Official Edition

THE NEW COMPLETE HISTORY OF THE UNITED STATES OF AMERICA

By John Clark Ridpath, LL. D.

Author of Ridpath's History of the World

Volume VIII

INCLUDING the traditions and speculations of the pre-Columbian voyagers; the discovery and settlement of the New Continent; its development under colonial government and the establishment and progress of the Republic.

APPOSITELY illustrated with original drawings, maps, portraits, and notable documents, selected for their contemporaneity from the Royal Archives at Genoa, Madrid, Paris, and London, by special permission of their governments, from the Department of State and the Library of Congress at Washington, and from private collections of rare Americana.

EDWARD T. KELLY COMPANY
CHICAGO

THE JONES BROTHERS PUBLISHING CO., CINCINNATI, O.

1918

Entered according to Act of Congress in the years A. D. 1905, 1906, 1907, 1918,
by The Jones Brothers Publishing Company, in the office of
the Librarian of Congress, at Washington, D. C.

CONTENTS

PAGE

PART VIII.—EVOLUTION OF THE FEDERAL GOVERNMENT.

CHAPTER LVII. Jay's Treaty and Adams' Accession 3537

CHAPTER LVIII. Administration of John Adams: X. Y. Z. Mission; Alien and Sedition Laws 3591

CHAPTER LIX. Ousting of the Federalists 3635

CHAPTER LX. The Republicans in Power 3691

PART IX.—TERRITORIAL EXPANSION.

CHAPTER LXI. The Louisiana Purchase 3723

CHAPTER LXII. Jefferson's Policy of Peace 3769

CHAPTER LXIII. Jefferson's Second Administration 3801

CHAPTER LXIV. Madison's First Administration 3893

CHAPTER LXV. The War of 1812 3975

CHAPTER LXVI. The End of the War of 1812 4025

CONTENTS

PAGE

PART VIII.—EVOLUTION OF THE FEDERAL GOVERNMENT.

CHAPTER LVII. Jay's Treaty and Adams' Accession 3537

CHAPTER LVIII. Administration of John Adams: X. Y. Z. Mission; Alien and Sedition Laws 3591

CHAPTER LIX. Ousting of the Federalists 3635

CHAPTER LX. The Republicans in Power 3691

PART IX.—TERRITORIAL EXPANSION.

CHAPTER LXI. The Louisiana Purchase 3723

CHAPTER LXII. Jefferson's Policy of Peace 3769

CHAPTER LXIII. Jefferson's Second Administration 3801

CHAPTER LXIV. Madison's First Administration 3893

CHAPTER LXV. The War of 1812 3975

CHAPTER LXVI. The End of the War of 1812 4025

LIST OF ILLUSTRATIONS

VOLUME VIII.

Jackson Square, New Orleans, ... *Frontispiece*

PAGE

Portrait of William Cobbett, ... 3550
Portrait of William Duane, ... 3550
Portrait of Joseph Priestley, ... 3550
John Adams at Twenty-two, ... 3590
John Adams, President, ... 3590
Letter of Jefferson to Adams Congratulating Him on his Election, . . 3592
C. C. Pinckney, ... 3594
John Marshall, ... 3594
Elbridge Gerry, ... 3594
Federalists Leaders in Adams' First Congress, ... 3596

Harrison Gray Otis.
Gen'l Samuel Smith.
Robert Goodloe Harper.

Republican Leaders in Adams' First Congress, ... 3596

Albert Gallatin.
Edward Livingston.
Wm. B. Giles.

Portrait of Marquis De Casa Yrujo, ... 3606
Mme. D'Yrujo (Sally McKean), ... 3606
Letter of Robert Morris from a Debtor's Prison, ... 3610
Portraits of Chief Members of the French Directory, 1799, ... 3612

Talleyrand.
Sieyes.
Barras.

Talleyrand's Passport to Vans Murray, ... 3658
The Truxton Medal, ... 3662
Washington's Birthplace, ... 3668
Tomb of George Washington, ... 3668
Portrait of John Randolph, ... 3670
Portrait of Judge Samuel Chase, ... 3674

PAGE

Leading Members of President John Adams' Cabinet, ... 3680
Timothy Pickering.
James McHenry.
Oliver Wolcott,

Portraits of Thomas Jefferson, ... 3690
Upper End of State Street, Boston, 1801, ... 3696
Toussaint L'Ouverture, ... 3730
Facsimile of Last Page of the Louisiana Purchase Treaty, ... 3744
Robert R. Livingston, ... 3744
Barbe'-Marbois, ... 3744
Meriwether Lewis, ... 3756
William Clark, ... 3756
Stephen Decatur, ... 3770
Richard Dale, ... 3770
Edward Preble, ... 3770
William Bainbridge, ... 3770
William Eaton, ... 3774
Letter of William Eaton to Hamet Caramanli, ... 3774
Aaron Burr. (In old age.), ... 3784
Blennerhassett's Mansion, ... 3820
Letter of William Eaton to Commodore Preble on Burr's Conspiracy. . 3836
William Wirt, ... 3840
Luther Martin, ... 3840
Part of a Letter and Signature from Blennerhassett to His Wife, . . 3844
Circular of Blennerhassett, ... 3844
George Canning, ... 3862
James Madison, ... 3890
Dolly Payne Madison, ... 3894
Robert Stewart, Viscount of Castlereagh, ... 3902
Napoleon, ... 3916
Count De Champagny, ... 3916
Richard M. Johnson, ... 3928
William C. C. Claiborne, ... 3942
William H. Crawford 3944
Tecumthe, ... 3956
Tenskwatawa, ... 3956
Greenville Treaty Medal, ... 3956
Battlefield of Tippecanoe, ... 3962
Fort Mackinac, ... 3978
Fort Dearborn, ... 3978
Isaac Hull, ... 3988

PAGE
Constitution and Guerrière, ... 3988
Peacock and Epervier, ... 3992
Wasp and Frolic, ... 3992
Brock's Monument, Queenstown Heights, ... 3998
General Henry Dearborn, ... 4000
John C. Calhoun, ... 4008
James Lawrence, ... 4022
David Porter, ... 4022
O. H. Perry, ... 4028
Perry's Report to the War Department, ... 4030
Andrew Jackson, ... 4040
Sackett's Harbor, ... 4048
James Wilkinson, ... 4052
Stephen Van Renssaelaer, ... 4052
Fort Niagara, ... 4056
Brig-Gen'l Winfield Scott, ... 4062
Thomas Macdonough, ... 4066
McGowans Pass, Harlem Heights, ... 4070
Mill Rock and Hell Gate, 1814, ... 4070
Map of the British Movements About New Orleans, ... 4082
Charles Stewart, ... 4088
James Biddle, ... 4088
Alexander J. Dallas, ... 4094
Maj-Gen'l Brown, ... 4096

CHAPTER LVII.

JAY'S TREATY AND ADAMS' ACCESSION

1783–93

The course of Great Britain, from the signing of the treaty of peace in 1783 to 1795, had been in studied disregard not only of American rights but American feelings as well. The nation was compelled to recall John Adams in 1788 from a feeling of self-respect, if for no other reason; and from that time until 1791 no information or explanations of value were received. The arrival of George Hammond in 1791 was to some extent an amelioration of a bad situation, for there was now some one to whom communications might be made. Jefferson and Hammond began at once a long and often heated correspondence upon the British failure to fulfill the provisions of the treaty,—charges which Hammond returned in kind. Evidently England believed that the United States was so insignificant among nations that no attention need be paid to her requests, and so humble that an occasional evidence of favor would fill her with delight.

Nagging policy of England

English minister an agent of it

In justice to England, however, the great struggle which was just then being waged with France must be taken into account. A part of the English people had hailed the French Revolution as a step forward, as the beginning of a new and better order; but with the execution of the king and the

Political situation a partial excuse

1793-4

French Revolution forces English resistance

bloody scenes which followed, English conservatism took the alarm, and all the weight of class and privilege were exerted to prevent England from becoming the scene of similar outbreaks. France began the missionary movement to convert the peoples of the earth. England was but a reluctant listener; war broke out, and Great Britain began the long struggle against "that anarchy which had broken all the most sacred bonds of society, dissolved all the relations of civil life, violated every right, confounded every duty." We have seen that the mission of Genet was a part of this plan of the French propaganda, and had ramifications in the British province of Canada, where there was an attempt to build up a party from among the inhabitants of French descent.

Genet's successor fares as ill as he

Genet's recall did not end the efforts of France to draw the United States into an alliance, though the direction and nature of the attempt were changed. France was reaping the economic harvest from the sowings of the earlier revolution and the subsequent years of war; famine threatened, and it was an important part of Fauchet's mission to collect provisions and forward them to France. But his methods were no more successful than those of Genet, so far as committing the United States to a different policy was concerned; for this "slow and systematic government, which argued long before giving a reply,"—an almost comic contrast to the mobile and explosive mobocracy which had been the nightmare of the Hamilton party, and to some extent even of Madison,—was

1794

not by his efforts to be diverted from neutrality. It was possible, however, that this would be effected by other means. England was deceived, as Genet had been, in assuming that popular opinion in the United States was that of the government also; and members of the British ministry explained that a French alliance had been expected, thus attempting to account for the unwonted severity of English regulations in 1794. At any rate Great Britain attempted, in utter disregard of the rights of neutral nations, to prevent the provisioning of France, as a part of the plan to cripple her most active enemy. In March of 1794 the French minister informed his government "that indignation against England was at its height," a feeling which he did his utmost to increase. Protest had no effect, since Great Britain by her conduct seemed to declare herself above the laws of nations, or at least to assume to herself the right of construing them as she pleased. Then there was also the practice of impressment and the accompanying right of search, than which there was no grievance more galling to the national honor. It was true that in the British navy the service was hard and ill-paid, and the treatment of the sailors was often brutal in the extreme. On the other hand, the American merchant service offered excellent wages and good treatment. At home England was constantly called upon to contend with the evil of desertion; press-gangs worked in every English seaport to keep up the supply of men for the navy, and these men were likely to desert at the first

England fears American-French alliance

Enforces rules of contraband

And right of search and impressment

Naval exigencies

1794

opportunity. Many of them did enter the service of the United States, and it was perhaps but natural that England should endeavor to stop the evil; but her exercise of a doubtful right was marked by arrogance, by contempt, by what were really acts of war toward a nation at peace, and by an indifference toward an accurate determination of the citizenship of the man impressed. A sailor was a sailor, whether of English or American birth.

Offensive methods to an offensive end

By one rule or another, over two hundred American vessels were under detention in the various ports of the Windward Islands in March of 1794. Proceedings were begun against some, others were condemned, and their crews in various stages of want were awaiting passage to the United States. France argued that the United States, a sister republic, under obligations for great services and to some extent bound by treaty, should come to her aid. Great Britain sought by proclamation, rules of war, and her own construction of the laws of nations, to force the United States by self-interest to make common cause with the enemies of France. It was partly in answer to this condition of affairs that the Secretary of State wrote to Hammond, shortly after Jay's appointment: "It is of no consequence from where we have received the first injury. Complaints against one nation cannot be discharged by severity from another. If the United States acquiesced in the instructions of Great Britain as being consonant to the law of nations, they must acquiesce in the

Hosts of American vessels stopped

Jefferson protests

pleasure of all the world, who by waging war may destroy every foreign market. From any other people whose acts offend us, we shall expect satisfaction. We expect no more from you." Events from all sides were rapidly forcing the nation into war when Jay's appointment was made, though soon afterward there seemed to be a tendency on the part of the British government to recede from its extreme position.

1794

Threatening aspect of affairs

Jay himself was well aware of the difficulties of his mission. In his opinion Great Britain had been unwise and unjust, while the United States was in danger of being intemperate. He knew also that a treaty with England which would be satisfactory to the majority was an impossibility; that odium and an utter ruin of political prospects would be the reward of any negotiator who agreed to the terms which England was willing to grant. "It is," he said in a letter to his wife, "a measure not to be desired, but to be submitted to;" and a few days after he had accepted he wrote: "No appointment ever operated more unpleasantly upon me; but the public considerations which were urged, and the manner in which it was pressed, strongly impressed me with the conviction that to refuse it would be to desert my duty for the sake of my ease and domestic concerns and comforts."

Jay has no hopes

Accepts from duty

The special mission had been decided upon as a means of impressing the British government with the depth of feeling among the people of the United States, and the desire of the administration to avoid war. There was no ground of complaint

1794

against Pinckney, and Jay was instructed to confer with him freely and to avoid an interference with the ordinary duties of a resident minister. Upon the objects to be attained by the treaty the instructions were arranged in four heads. These were the joint results of Jay's suggestions, supervised by Washington, revised by Hamilton, and issued nominally by Randolph the Secretary of State. The envoy was to protest against the vexatious spoliations of American commerce, and to push vigorously his demands for compensation; all points of difference which had arisen since and from the treaty of peace were to be adjusted as far as such adjustment was possible; and when these two points were settled so that friendly relations seemed likely to continue, a commercial convention was to be suggested along lines prescribed by the instructions. Finally, if success seemed doubtful, Jay was to consult with the ministers of Russia, Denmark, and Sweden; since the principles of the Armed Neutrality would in a large measure remove the grievances urged by the United States. Much was left to Jay's judgment and discretion, but upon one point his instructions were positive: the United States was determined to preserve neutrality, and would in no case violate existing treaties or commercial agreements.

Jay's instructions

Foreign help looked to

Neutrality absolute

After a pleasant voyage Jay arrived in London, was cordially received by the ministry and court, and was soon engaged in the discussion of the preliminaries of a treaty,—a discussion carried on in his own fashion. "It is not a trial of

Jay's arrival

diplomatic fencing," he had written to Lord Grenville, "but a solemn question of peace or war between two peoples having a common ancestry, and on whose continued good understanding might depend the future freedom and happiness of the human race." The negotiations were carried on informally, being for the most part oral discussions until the terms were practically settled. Jay thought the prospects to be unusually favorable, though certain obstacles seemed almost insurmountable. Negotiations were interrupted from time to time by Continental happenings which engrossed the time of the ministry; yet steady progress was made.

1794

Jay's purpose and method

As a matter of fact, the whole discussion may be described as a graceful acceptance on Jay's part of the trifle which the British ministry graciously and courteously offered. There was no intention and there was no need of large concessions on the part of the English government. Jay knew this, and was undoubtedly right when he said that he believed no better terms could have been obtained. If Americans had suffered by any illegal acts of British subjects, that government professed to desire that the most complete and impartial justice be done. Early in August Jay submitted to Lord Grenville the outlines of an agreement, and soon afterward received his reply in the form of two drafts of a proposed treaty. The chief differences between the two plans were in the articles referring to the northwest boundary, the British debts, and the West India trade; and

Meagre result

1794–5 Nov.–March

these were afterward compromised, the advantage for the most part remaining with Great Britain.

Jay agrees on a treaty

On the 19th of November Jay wrote to Ellsworth: "The negotiations have terminated by a treaty. In my opinion we have reason to be satisfied. The best disposition towards us prevails in the Cabinet, and I hope they will have reason to be content with the delicacy and propriety of our conduct towards them. Further concessions on the part of Great Britain cannot, in my opinion, be obtained." To Hamilton he wrote, "If this treaty fails, I despair of another;" and to Washington, "I have no idea that the treaty will meet with the Anti-Federal approbation."

Hopeless of its acceptance

Its slowness in coming before Congress

To Captain Blaney, an American seaman then in London, the treaty was confided for delivery to Congress; but it was destined from the start to meet with hardships. "The winds blew continually from the westward," said Blaney, a circumstance which even his precautions could not prevent. The French, who were anxiously awaiting news of the treaty, boarded Blaney's vessel, but could not find the precious document. Landing at Norfolk, he made his way to Philadelphia with the greatest haste, only to find that Congress had adjourned three days before.

Its nature

The treaty consisted of twenty-eight articles, the last referring to ratification. Of these the first ten were to be permanent; the others constituted a commercial convention, which was to expire ten years after the close of the war then in progress between Great Britain and France. The chief

questions arising from the treaty of 1783 had been of the western posts, the negroes, the British debts, and the northeastern boundary. By the new treaty the posts were to be surrendered by June 1, 1796; a delay due probably to the necessities and obligations of British traders with the Indians. Both nations were to enjoy unrestrained the trade with the natives, and the Mississippi was to be free to both. After some discussion, the question of damages for the negro slaves carried away at the close of the Revolution was entirely abandoned. A commission was to be appointed which should decide whether the non-payment of British debts was due to any impediments of a legal nature, in which case the government of the United States was to pay the creditor. The unsettled northeastern boundary was also to be determined by a joint commission.

1794

Items of Jay's treaty

Most important relegated to commissioners

Of the new questions, that of impressment had been found most difficult. Great Britain had refused absolutely to renounce either the practice or the right, and for some years longer the United States was compelled to smart under this outrage. A commission was appointed to decide upon all cases of the violations of the rights of neutrals and the spoliation of American vessels. Some definitions of contraband were added; but upon the status of the articles which most interested the United States, namely, provisions, Great Britain would only agree that when taken they should not be confiscated, but should be paid for either by the captor or by his government. The United

Impressment not renounced

Unsatisfactory on contraband

1794 Nov. States was bound also to pay damages for the captures made by Genet's privateers in 1793, when these were fitted out in the ports of the United States. It was agreed further that in case of war, debts in either country owing to citizens of the other should not be confiscated.

Jay's Treaty:

By his instructions, Jay had been prevented from signing any commercial treaty which did not recognize in some way the rights of Americans to a part of the West India trade. The concession obtained was an exceedingly small one. Vessels of seventy tons burden or less were allowed to carry between the United States and the British West Indies the products of the two countries; but it was also agreed that "the United States should prohibit and restrain the carrying of any molasses, sugar, coffee, or cotton in American vessels, either from his Majesty's islands or from the United States, to any part of the world except the United States." Reciprocal trade was permitted between the European ports of Great Britain and the United States, on terms which put an end to Madison's plan of discriminating duties. The treaty provided against foreign enlistments, defined as piracy the acceptance of commissions as privateers in the service of another State, opened the ports of the United States to British war-ships, and established rules for the regulations of captures; and provided for extradition for the crimes of forgery and murder. Evidently the United States had received quite enough in the way of concessions to prevent a war, and just

Meagre concessions on West India trade

Other provisions

as evidently it was useless to expect more. With the exception of the Western posts the United States had practically receded from every demand; yet as matters then stood, it is scarcely a question that any treaty was better than no treaty. The war was deferred, and when it came the United States was in better condition to meet it. A more direct justification of Jay's ability as well as patriotism is, that the English extremists (oddly enough, as it seems at first glance) were later as much chagrined as the American; that English leaders talked of Grenville's having been "duped" by Jay; and that some of them eagerly welcomed the War of 1812 as a chance to tear up the treaty of 1794. This was because it brought one great gain to the United States and loss to Great Britain, which the latter in her state of European war felt very keenly: it greatly curtailed, though it did not wholly destroy, her power to strangle American commercial rivalry under the pretext of enforcing international law.

1794 Nov.

Jay's Treaty worth having

Hated on both sides

Special value to America

Meanwhile the second session of the third Congress had convened in Philadelphia. The day set was the 4th of November; but the members of the Senate came slowly, and while the House was waiting, various changes were made in the standing rules. By one of them a new committee, that of private claims, was instituted. Much of the President's speech was given to the recent troubles in Pennsylvania. Certain self-created societies, he thought, were largely responsible for the trouble. These bodies had taken upon themselves to

The new Congress

1794 Nov.

condemn and criticise the government, and thereby had brought the laws into contempt. They had disseminated "suspicions, jealousies, and accusations of the whole government, careless of consequences, or forgetful that those who rouse cannot always appease a civil convulsion." The foreign policy of the administration was affirmed to be "to cultivate peace with all the world," and to deal justly with all nations; and having in this way "acquired the right, to lose no time in acquiring the ability to insist on justice being done to ourselves." Then suggestions followed for final arrangements to pay the public debt, for the handling of the Indian trade by public trading-houses, for a more complete organization of the militia, and for fortifications.

Washington's censure of Democratic Clubs

There was an immediate protest from the members of the "self-created" societies, the Democratic Clubs. The Senate had dutifully replied to the President: "Our anxiety has been increased by the proceedings of certain 'self-created' societies;" but the House in preparing its reply ignored the matter. Unfortunately, one of the members from Pennsylvania moved an amendment condemning these organizations, which "by deceiving the ignorant and weak, may naturally be supposed to have disseminated the insurrection." The battle was on at once. By what authority, it was asked, did the House assume to act the part of censor? Were not the different religious sects self-created societies? It was well known, moreover, that the Democratic Societies had condemned

Rouses protest

Motion against them fought fiercely

1794 Nov.-Dec.

the insurrection, and many of the members had volunteered to serve in the militia called out to suppress it. Finally the obnoxious words were stricken out, only to be replaced by a specification of particular clubs. These names it was moved to replace by "the four western counties of Pennsylvania and the parts adjacent," a proposition which was carried by the vote of the Speaker. The House rejected the report, which it had adopted in the committee of the whole, and substituted an expression much like that of the Senate, omitting the offending adjective "self-created." To many sincere patriots these organizations were a cause of genuine alarm. "They were born in sin," said Fisher Ames, "they are the impure offspring of Genet. They are the few against the many; the sons of darkness against those of light."

Struggle in Congress to censure Democratic Clubs

When the results of the December elections became known, it was seen that the administration had made no very great gains. Their opponents were not completely crushed by the combination of Genet's mistakes and the Western riots. Jefferson was angered by the President's speech, and by the lack of vigor shown by his party in the House. "I had expected to have seen some justification for arming one part of society against another; of declaring a civil war the moment before the meeting of that body which has the sole right of declaring war; of being so patient at the kicks and scoffs of our enemies, and rising at a feather against our friends. The denunciation of the Democratic Societies is one of the most

Popular feeling not undemocratized

Jefferson's anger at Federalist policy

1794–5 Dec.–Jan.

extraordinary acts of the monocrats. It is wonderful indeed that the President should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing, and publishing." Meanwhile the Jacobin Club of Paris had fallen, the idea became unpopular, and the Democratic Clubs died as Democracy became more wide-spread—a not uncommon phenomenon in the history of political parties.

Democratic Club fever abates

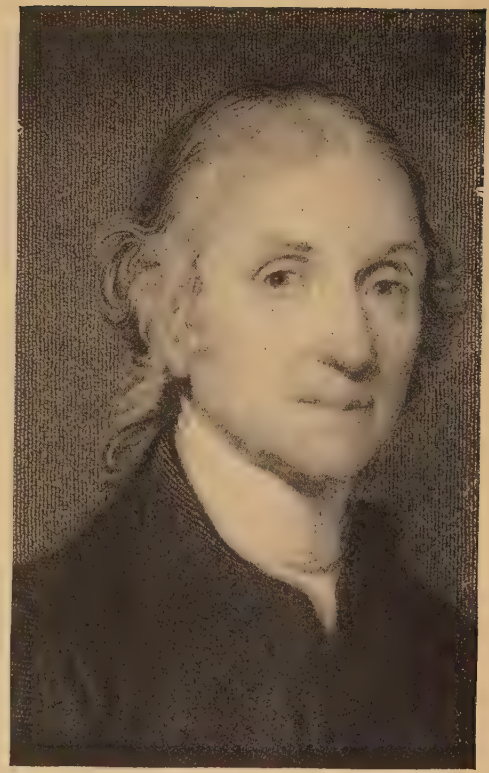
As the culmination of the funding system, an act was passed which transferred the management of the public debt from the Treasury Department to a board of commissioners, and appropriated surplus revenues for the gradual extinction of the principal and interest. Hamilton had long ago announced his intention of resigning from the Cabinet. The settlement of the difficulty over the excise, and the probability of Jay's success, made his longer service unnecessary. The last day of January had been set for his retirement; his opponents had fared so badly in their previous attacks that no further investigation was thought of; he left office enjoying not only the confidence of the President, but he had become in a sense necessary as a personal adviser. His was an undisputed leadership in his own party; and if his opponents hated him, that hatred was tempered with a wholesome fear. His professional opportunities were unequaled by those of any man in America; for rarely had a man not yet forty attained his measure of success.

Financial machinery

Hamilton retires

WILLIAM COBBETT.

WILLIAM DUANE.



JOSEPH PRIESTLY.

1795 Jan.

Madison had by no means given up his policy of discrimination against certain classes of foreigners or unfriendly nations. At this particular time he would exclude aliens from the commercial privileges that citizens enjoyed: a blow at the preponderating influence of British merchants. The outcome was a naturalization act which required a five-years' residence, a declaration of intention to become a citizen three years before naturalization, and a single year's residence within the State. In this connection there arose a heated debate about titles.

Naturalization Act

Priestley and Cobbett

The political convulsions in Europe had caused a number of men of distinction to remove to America. Among them were Dr. Priestley, the foremost man of science of his day, one of the founders of modern chemistry; a Unitarian in religion and a republican in politics, who had been forced to flee from England because of his attempt to propagate these views. His welcome to America was by political sympathizers chiefly; but so large was their number and so warm their sympathy, that William Cobbett was moved to enter the war of pamphlets with his Observations on the Emigration of Doctor Joseph Priestley. From that time until the day of his unfortunate battle of words with Dr. Rush, William Cobbett's pen was never idle; and his invective, wit, and fearlessness, with a liberal mixture of good sense, made "Peter Porcupine" the favorite champion of the Federalists.

There were many French royalists, refugees from San Domingo, political exiles from Ireland.

1795 Jan.–Feb.

Some of them had titles, which to the Democratic mind was a great offence. They insisted, therefore, that the candidates for the honors of American citizenship should renounce these badges and distinctions of the Old World, and formally renounce all other allegiance. The proposition, coming as it did from the South, was the subject of much ridicule on the part of the New England members, who were not slow to discover that the motives underneath it were largely obstructive. "Why," they asked, "deprive a man of his title who perhaps has lost everything else in the service of his country? Why insult without cause some worthy men who had fought for the liberty of America, and who were then dependent upon American gratitude?" The whole matter was a quarrel about words, not worth the time that was spent upon it. The leaders in these attacks upon the motion were Dexter and Sedgewick, whose seats in the House were extremely uncertain. Presently Giles of Virginia demanded the yeas and nays upon the motion, thus putting the Federalists in the awkward position of favoring aristocratic forms, —a charge which was common,—or compelling them to vote with their opponents.

Struggle to abolish titles

Factional purpose

There was one way out of the difficulty, and Dexter found it. An amendment was proposed that, with the title, the intending citizen should renounce also his right to hold slaves. If New-Englanders were to be branded as aristocrats, the Virginians should be held up to the world as slaveholders. Intemperate speeches were made on both

Retort upon slaveholding

sides. For a time it seemed that each side was willing to drop the matter; but the roll-call was insisted upon, with the result that Dexter's amendment was hopelessly lost, while the renunciation of titles and allegiance became a part of the naturalization act. Unhappily, after all this display of forensic skill Dexter lost his seat at the next election, and partly because of his stand upon this motion.

1795 Feb.–June

War on titles succeeds

Before the adjournment of Congress, various changes in the Cabinet had taken place. It was a difficult matter to secure first-rate men for the positions, partly because of the small salaries and partly because of the turbulence of political life. The new men were politicians rather than statesmen; they were careful, honest, painstaking partisans, well fitted to manage the routine work of the various departments.

Cabinet changes

The subject of the greatest interest to the public during the summer of 1795 was the British treaty, which had arrived shortly after the adjournment of Congress. The Senate was summoned to meet in special session June 8, when it was found that the Federalists had gained by the recent elections. For a fortnight the treaty was the subject of secret debate; the chief points of objection being the failure to secure any abatement of the impressment outrages, and the article regulating the West India trade. The Senate regarded the sacrifices demanded as a large price to pay for so small a concession, especially when it was noted that no other British ports were opened

Jay's Treaty discussed

1795 June-July

to the Americans. Canada, Nova Scotia, the Hudson Bay country,— all were closed; in return all our harbors were thrown open to British vessels, but as a great favor, American vessels of low tonnage might bring certain products of the West Indies to the United States. The President himself and his Cabinet, Randolph excepted, were in favor of the treaty; and their added influence led to the ratification by the exact constitutional vote of two-thirds—excepting however the article referring to the West India trade, which it was hoped might be made more satisfactory by subsequent negotiations. This hope however was futile, for America had given all she had to give.

Jay's Treaty squeezes through

Except one article

This, the first important treaty made by the government, gave rise to many interesting constitutional points. The President was in doubt of the effect of the omission of the West India provision. Could the Senate ratify the treaty finally with an omission? Could the treaty be ratified conditionally, and later provisions be subjected to a later approval? Moreover, news had lately been received that Great Britain, anticipating another scarcity in France, had again enforced the obnoxious provision order, which had been withdrawn shortly before Jay's negotiations began; and to ratify the treaty immediately after the renewal of the order would be ostensibly an approval of the conduct of Great Britain, an abandonment of the cherished definition of contraband and the theory of the rights of neutrals. The President had made no decision when he left for

Which raises constitutional doubts

British sharp practice

Mount Vernon, July 15, leaving Randolph to prepare a protest against the provision order and reopen negotiations on the unsatisfactory articles. 1795

Notwithstanding the great secrecy which had been observed, impressions of the unfavorable character of the treaty were current even before the meeting of the Senate. Discussion increased; the most extreme statements were made. There was such danger of distortion of facts for party purposes that the President determined to give the treaty to the newspapers; but no sooner had that determination been reached than Benjamin Franklin Bache published a full abstract, followed a day or two later by the complete text in pamphlet form from the copy of Stevens Thomson Mason of Virginia, one of the ten Senators who had voted against ratification. At once the country was plunged into the wildest political excitement. Later in July Washington wrote to Randolph: "Never since I have been in the administration of the government have I seen a crisis from which more is to be apprehended;" and a little later: "If the treaty be ratified, the partisans of the French, or rather of war and confusion, will excite them to hostile measures or at least to unfriendly sentiments; if it is not, there is no foreseeing all the consequences which may follow as it respects Great Britain." Surely this justified the Federalist policy of strong armaments to keep the country from being a foreign football.

Disparaging rumors

Premature publication of treaty

Dangers to the administration

In this agitation many of the Federalists saw a determination to disturb the public peace, and

1795 July

Jay's treaty howled down by the masses

charged their opponents with deliberate misrepresentation. The French partisans were not so bitter as had been expected; but the Spanish were much excited over the clause referring to the navigation of the Mississippi. Indeed, it was predicted that France would eventually guarantee to Spain a part of her possessions, asking as a price the cession of Louisiana and the Floridas. Public meetings were held throughout the States to denounce the treaty; its author was insulted and burned in effigy. In Boston the treaty was condemned because "it did not contain a single article honorable or beneficial to the United States." July 18 a meeting was held in New York, for which the friends of the treaty were able to elect a presiding officer, but all efforts to secure an adjournment failed. Hamilton attempted to speak, but was stoned. The radicals got control; their number was increased by a mob which had been burning the treaty in the Battery; a committee of fifteen was appointed, which denounced the treaty because it "invaded the Constitution and legislative authority of the country," in ways which were enumerated in twenty-eight resolutions. The Democrats of Philadelphia made of the Fourth of July a day of mourning; and later a public meeting was held, at which the treaty was condemned and an address sent to the President. There were similar gatherings at Charleston, where Gadsden and Rutledge were the chief speakers; at Richmond, where Chancellor Wythe presided; and at

Wilmington, where Cæsar Rodney was orator, and John Dickinson the chairman of a committee chosen to prepare a hostile report. In addition to these public meetings the pamphlet war went on with increasing vigor. The treaty, it was said, was in every respect in favor of Great Britain. The rights of the British seamen and of British commerce were secured, those of America were not so much as mentioned. The President by ratifying it would violate the Constitution, and the sacred oath he had taken to uphold and defend it. On the other hand, "Camillus" and "Porcupine"—Hamilton with Rufus King, and Cobbett—united in defense of the treaty, and their efforts were seconded by scores of less able men.

1795 July

Denunciation of Jay's treaty

On the last of July Washington expressed to Randolph his intention of returning to Philadelphia, because of the violence of party spirit, and the fear that the enemies of the treaty would convince the French government that discrimination had been intended. Popular opposition, in the opinion of the President, was more wide-spread and determined than had been expected. Friends in Virginia, of no political party but well disposed toward the administration, had so informed him; and, while he did not intend to abandon his previous policy, yet the closest investigation was necessary, as well as the most circumspect conduct in carrying out the plans of the government. About the same time, in a letter to Hamilton, the President expressed a desire to learn the real temper of the people. Not only had the treaty been grossly

Washington has to move cautiously

1795, etc.

misrepresented,—from this it might recover,—but well-disposed men were saying that there was no reciprocal justice in it at all; and that so far as commercial advantages were concerned, no treaty at all would have been better. Meanwhile Randolph had delayed the remonstrance. He did not take his colleagues into confidence,—a fact not remarkable, but much remarked by them. It was thought that he had some personal scheme to defeat the treaty which his fellow-members of the Cabinet so strongly favored; but if so, his hopes were speedily shattered by a scandal in which he was deeply involved.

Randolph and Jay's treaty

In the early days of the Whisky Rebellion, about the time that the President's proclamation was issued, and when measures of coercion were under discussion, Fauchet, who was keeping his government informed of the situation in America, sent home the following account of a curious interview with Randolph: "Scarce was the commotion known when the Secretary of State came to my house, his grief plainly depicted upon his face. 'It is all over,' he said to me. 'A civil war is about to ravage our unhappy country. Four men by their talents, their influence, their energy, may save it. But, debtors of English merchants, they will be deprived of their liberty if they take the smallest step. Could you lend them instantaneous funds sufficient to shelter them from English persecution?" The French minister was astonished at this singular request, but urged his lack of means and the general principles

Fauchet charges Randolph with indelicate proposal

1794–5

Fauchet on the whisky riots

Thinks American leaders buyable

His dispatch captured

Randolph asked to explain

of the French Republic as reasons why he should not comply. This communication reached France safely; but in the following October Fauchet wrote again, and remarked upon the occurrence in a further explanation of affairs in the West. The insurrection, in his opinion, was in opposition to Hamilton's financial schemes; a protest against a ministerial policy, colored by party misrepresentation to look like an attack on the Constitution. There were men who were balancing between two parties, and their decision might be bought. "Thus with some thousands of dollars, the republic could have decided on war or on peace. The consciences of the pretended patriots already have their prices." Fauchet then went on to explain that the United States had become a nation of stock-jobbers and speculators; that wealth was the only standard; that there were a few of the incorruptible left, and to them he recommended his government.

This dispatch took its way to France in the *Jean Bart,* which was captured in the Channel by a British frigate. It eventually reached the foreign office, was sent to Hammond, and by him given to Wolcott at a time when both were anxious for the fate of the British treaty. Wolcott, Pickering, and Bradford agreed to summon the President to Philadelphia at once. The dispatch was placed before him. For several days nothing was done; but after the ratification of the treaty, the President in the presence of Wolcott and Pickering showed the letter to Randolph,

1795

and asked for any explanation that he chose to make. According to Wolcott, Randolph commented loosely on the parts not relevant to himself; declared he could not understand the letter; but finally admitted that he had sought to turn aside a conspiracy aimed at the political ruin of Governor Clinton, the French minister, and himself,—a conspiracy which, he claimed, had originated with the British minister. He insisted that he had never received nor had he asked for any money, for the use of himself or any other person. That day Randolph resigned, and at once set about the preparation of his vindication.

Randolph's lame explanation

He resigns

Fauchet had left for Newport, where a French frigate waited to take him to France. He had intended to go by water; but fortunately the stress of weather caused him to change his plans. A British war-ship stopped the vessel in which he was supposed to be, searched the ship, rifled Fauchet's baggage, and then proceeded to Newport, hoping to catch the French minister on board his frigate. This high-handed outrage to one whose diplomatic character should have been a sufficient security, and so soon after the treaty was ratified, was a striking commentary upon the British methods and sincerity.

Gross British violation of neutrality

After some delay, Randolph secured copies of the needed dispatches; and Fauchet afterward sent a letter partially explaining the situation, which, had it appeared earlier or been more in harmony with the previous reports, would have gone far toward the vindication which Randolph

Fauchet's dubious explanation

sought. To this letter Randolph paid little attention; but avoided the main issue and tried to pose as the victim of British machinations, to make the whole circumstance appear as a particular phase of the contest between the French and British factions. The vindication did not vindicate, and Randolph retired permanently from national politics.

1795

Randolph permanently discredited

Randolph was the last of Washington's original Cabinet. His office was offered to four men in turn, and finally accepted by Pickering, whose talents were for war rather than diplomacy. James McHenry of Maryland became Secretary of War, after the place had been declined by the two men to whom it was first offered. John Marshall not accepting the position of Attorney-General made vacant by Bradford's death, it was conferred upon Charles Lee of Virginia, a new convert to Federalism. The new Cabinet was made up of serviceable men. Great policies once determined, they were well calculated to perform the routine work of their respective offices. They were men of many private and public virtues, strict Federalists, thorough party men, not in any sense statesmen of the creative type. Washington depended more and more upon Hamilton, and his Cabinet soon looked to him as the head of the party.

New Cabinet members

Unoriginal

Hamilton the real director

While public interest was engrossed by the British treaty, a far more important agreement had been signed by Thomas Pinckney in Spain. One of the subjects in dispute was the southern

Spanish treaty

1793–5

boundary; which Spain was inclined to fix so as to include a part of the territory of Georgia, on the ground of the combined treaties of 1763 and 1783 and the conquests made during the American Revolution. These claims the United States disputed upon good grounds. With respect to the navigation of the Mississippi, the right of the United States was incontestable so far as that river formed the boundary between the territories of the two nations; below that point the right of navigation was maintained by the treaties of 1763 and 1783, and by the law of nature and of nations. Negotiations had continued upon these subjects, but with no satisfactory results. In 1793 it was said, that under no consideration whatever would Spain grant the right of navigation of the river where it flowed through Spanish territory. The treaty with England establishing the southern boundary of the United States was an attempt on the part of two nations to dispose of the property of a third; the claims under it were unwarrantable and extravagant. Carmichael and Short, who were conducting the negotiations, were of the opinion that the only effective argument in the case of Spain would be a few ships of the line; in other words, that nothing would be yielded except to force.

Questions at issue with Spain

She refuses navigation of the Mississippi

Prospects of war

This attitude was due in part to the well-grounded fear that the Americans, once in full possession of the east bank of the river with the right of free navigation, would speedily pass to the western bank, would soon be in control of the trade

American expansion feared

of the territory of Louisiana, and would eventually weaken the hold of Spain upon her possessions in the southeast. On the other hand there was perhaps a greater danger: that, the navigation denied, the people of the Western country would use force to obtain it. After a long delay, and when Pinckney was about to give up the task as hopeless, the position of the Spanish court changed, and a satisfactory agreement was reached. The Florida boundary was to be the St. Mary's River to its head, thence a line to the junction of the Appalachicola and the Flint, and between this point and the Mississippi the thirty-first parallel. Both nations were to have free navigation of the river; and to the Americans the right of deposit at New Orleans was given for three years, with the understanding that while the place of deposit might vary, the right was to be permanent. Neither nation was to make treaties of alliance with Indian tribes living in the territories of the other, nor were the natives in either country to be allowed to send war parties into the territories of the other nation. The treaty was equally gratifying in the commercial privileges secured. It was agreed that free ships should make free goods; provisions and naval stores were excepted from the list of contraband articles, and a board of commissioners was appointed to estimate the losses suffered by Americans because of illegal captures by Spain.

1795

Spain becomes reasonable

Terms of treaty

Valuable for America

The treaty with Algiers was in any case the purchase of exemption from spoliation, which should have been obtained by force of arms, and

Algerian treaty

1795

is interesting chiefly because of the amounts paid and the insight into the methods of these pirates. The Dey of Algiers was to receive $750,000, besides an annual tribute of $24,000 in naval stores; but these were estimated so low, and so many extras were added in the form of presents, that the total expense of the treaty was above a million dollars. The agreements with Spain, with Algiers, and with the Western Indians were approved before the House began the final consideration of the British treaty.

Algerian pirates bought off

When the fourth Congress convened in its first session, December 7, 1795, the Federalists in the House had already conceded a majority to their opponents, but placed their chief dependence in the Senate. There were fifty-six antis to forty-nine Federalists, according to the computation of Fisher Ames; but in his opinion, the Republican leaders would advocate such extreme measures that a split in their ranks would result. Madison, for the opposition, predicted that the Federalist policy would be to publish broadcast the great prosperity of the country, to confound opposition to the treaty with personal hostility to the President, and to indulge in gloomy predictions of the war and confusion which must necessarily follow the rejection of their favorite measure. In the choice of Speaker the Federalists were successful, electing Jonathan Dayton, who was thought to occupy a place midway between party extremes. Among the new members of note in the House were Joseph Farnum of Massachusetts, who had

Fourth Congress: House Republican

But moderate Speaker elected

succeeded Dexter; Roger Griswold of Connecticut, Edward Livingston of New York, Albert Gallatin of Pennsylvania, Wade Hampton and Robert Goodloe Harper of South Carolina. 1795–6 Dec.–Jan.

In his message Washington announced the various treaties, and congratulated the country upon the evidences of unprecedented prosperity. He suggested additions to the army, a more effective militia organization, and the protection of the Indians against the encroachment of the frontiersman; and made a final plea for temperance and forbearance in discussions in Congress. The reply of the Senate, which was strongly Federal, was not of a soothing sort; and for a time it seemed possible that the House would not return the usual written reply, but would by committee inform the President that the various subjects mentioned would receive consideration. To this the House did not consent, but the reply was so colorless that to extreme Federalists it seemed a criticism of their chief. Washington's message

Wakes feeling between the houses

For a time the session was uneventful. A report from the Secretary of the Treasury showed that while the income of the government was sufficient for its expenses, there were temporary loans to be met, which by January of 1796 would amount to between six and seven millions. The House was undecided upon the form of taxation: increased excises were not to be thought of; imposts in the uncertain state of commerce could not be increased; there seemed no resource except in direct taxes, which had been so decried to find Question of new taxes

1795–6 Dec.–Jan.

arguments for indirect taxation that they were almost inadmissible. To meet the difficulty a new committee, that of Ways and Means, was proposed by Gallatin, and the fourteen members composing it were appointed December 21; among them were Gallatin, Madison, Baldwin, and Sedgewick. The direction of the financial policy of the government was thus transferred from the Secretary of the Treasury to Congress, where it has ever since remained.

Committee on Ways and Means created

Meanwhile the British treaty waited: Washington preferring not to send it to the House until the final determination was known concerning the suspended twelfth article; and the majority in the House not daring to ask for it, since that would introduce the President into the controversy, a thing they were most anxious to avoid. The administration had nothing to gain by haste, and the opposition feared to force the issue. At this time a land-jobbing and bribery scandal furnished occupation to the House, and is of interest as one of the early examples of industrious lobbying among the members of Congress. The lands in the hands of the States were becoming exhausted. Connecticut had recently transferred her claims to reserved territory south of Lake Erie for the sum of $1,200,000, which had been turned into a school fund; in New York the fertile lands south of Lake Ontario were already in the hands of speculators; while Pennsylvania began a final settlement of the Lake Erie triangle, which had been previously bought of the general government, and

Jay's Treaty in suspense

Great land deals

where the town of Erie had been founded. Land speculation was the greatest evil of the time, and one that continued to vex succeeding generations. There were few men of wealth and station in private or public life who were not connected with some one or other of the many plans to place new lands upon the market. The "Yazoo" transactions, previously noted, were perhaps the most noted examples; but with these in the first instance the general government had nothing to do.

1796 Jan.–Feb.

Rush into land speculation

The particular company in question originated among Indian-traders and citizens of Detroit, who planned to secure 30,000,000 acres in the lower peninsula of Michigan for the sum of $500,000. The traders undertook to get the Indians to relinquish their claims, and sent two men, Randall and Whitney by name, to obtain the consent of Congress. Giles had been approached with an offer of shares of stock in return for his vote and influence. He had told the Speaker and a few friends; but as Randall boasted of having thirty votes, it was agreed to keep the matter secret until further evidence had been secured. Giles did not doubt but that many of his Federalist opponents were mixed up in the scheme, and hoped to catch them. But William Smith had received a similar offer, as had Murray, and the latter immediately reported it to the President and to the House. Both promoters were examined; Randall was arrested, plead a misunderstanding and lack of discretion, but would not admit corruption. He was reprimanded at the bar of the House, and

Michigan Indians to be jockeyed

Bribery of Congress attempted

Scheme blown on

1796 March

directed to be kept in custody; but after a few days the sentence was removed.

Jay Treaty documents called for

It was not until March that the great debate upon the treaty began; a debate of especial interest, since it was upon a question of constitutional interpretation, and with that upon the national bank in the first administration established an important principle of construction of the Constitution. When the treaty was submitted to the House, March 2, Livingston proposed a resolution calling upon the President for a copy of Jay's instructions, with the correspondence and other related documents. The treaty was before the House to be acted upon; and to act intelligently, more information was needed. There was no desire to pry into Executive secrets, but a simple request had been made, with which the President might decline to comply if he saw fit.

Rights of House in treaty-making

By the wording of the Constitution, treaties are to be made by the Executive with the advice and consent of the Senate; but treaties may require appropriations or other action of the House to carry them into effect. The majority of the House believed that they had a vested right to give or withhold their approval. Randolph's theory, which Jefferson believed to be the true one, was that whenever a treaty involved matters confided by the Constitution to the President, the Senate, and the House, the latter body was as free as the President and Senate to consider whether the national interest would be served by giving the treaty the force of law. While disclaiming any

Theory of co-equal power

share in the treaty-making power, the Republicans claimed the right to approve a treaty when made, since it was a legislative act, and since an appropriation would be required which the President and Senate had no power to make. The Federalists, they urged, had revised the reading of the Constitution in defining the "supreme law of the land." Read rightly, it was the Constitution, then the laws, and finally treaties made under the laws. All were supreme, and not the treaties alone.

1796

Republicans declare House coequal in treaty-making

On the other side, it was contended that the House was bound to pass without question the acts necessary to carry into effect a treaty which had been made and ratified by the President and Senate; and that a failure to pass such an act could not affect the legality of the treaty, but must forever stand as a blot upon the nation's honor. If the principles of the House were enforced, the salaries in every appropriation bill might be questioned because of the unfitness of the incumbent; the whole notion was contrary to reason. Moreover, the making of a treaty was denied by the Federalists to be a legislative act; it was concerned with the law of nations, was a compact between nations. Thus the debate ran on until March 24, when Livingston's call for papers was passed by a vote of 61 to 38 in committee and 60 to 39 in the House. The resolution was taken by Gallatin and Livingston to the President, who promised to take it "into consideration."

Federalists deny it

House affirms it and calls for papers

While this was being done, there were intemperate discussions of the means that might be used

1796 March

to force the majority in the House to comply with the Federal demands. The rejection of John Rutledge from the position of Chief Justice, which he had filled for some months, was one source of satisfaction—a rejection due, said the Federalists, to his impaired intellect, of which they held the anti-treaty speech to be conclusive evidence. There was a loan pending to forward the building of the Federal city, a project much favored in the South; and a land-office bill equally in favor in the West, where the Spanish treaty was also deservedly popular because it granted free navigation of the Mississippi. These measures might be threatened, deferred, or defeated to arouse the feeling of the people, and thereby bring public pressure to bear upon the enemies of the British treaty. Virginia had proposed in February a constitutional amendment which should make the consent of the House necessary to the ratification of a treaty, and should limit the Senatorial term to three years; but the proposition met with general disfavor, and was either disapproved or condemned by the legislatures of six States.

Rutledge rejected for Chief Justice

Obstruction planned to carry Jay's Treaty

Upon the question of submitting the documents asked for by Congress, Washington consulted Hamilton and his Cabinet, and following their opinion refused pointedly to comply (March 30). This refusal, said Madison, was as improper as it had been unexpected. Evidently it came from New York, and was an experiment at the hazard of the President to save the "faction" from the representatives of the people. The commercial

Washington refuses documents to House

1796 April

Business interests force on Jay's treaty

interests would be led to petition Congress, and public opinion would be excited by dire rumors of war until the treaty should be forced through. This programme was faithfully carried out, except that it was always uncertain how far the President's own views would harmonize with those of his advisers. The majority against the treaty gradually decreased; business was suspended in some cases; banks were timid about loans; money became scarce; and there was in many places a steady change in the opinions of the people. War and dissolution of the Union were predicted as the consequence of rejection. "I have ever considered the national Constitution as a matter of experiment," wrote one staunch Federalist, "but I had no apprehension that our system of government would be so soon threatened as it is at present." Outside interference was not wanting. Phineas Bond, British *chargé d'affaires* since the departure of Hammond, intimated that the Western posts would not be given up at the appointed time if the bill was not passed; all men with interests at stake joined in the attempt to force public opinion to their views.

Also British interests

Fierce opposition in House

Meanwhile the debates were in progress in the House. Gallatin, Madison, and Giles were the leaders of the opposition; and with Fisher Ames forced to silence by illness, were more than a match for their opponents. "The negotiations with Great Britain originated in the fear of being involved in war," said Gallatin; "under the impression of fear the treaty was made and

1796 April

signed; fear promoted a ratification; and every imaginary mischief was conjured up to frighten the House, to deprive it of that discretion which it had the right to exercise, to force it to carry the treaty into effect." Madison returned to his former argument that there were no reciprocal engagements in the treaty. The British got all they claimed, while every concession to America was accompanied by conditions which deprived it of value. The idea of war was visionary. The United States would not go to war, Great Britain could not; and moreover, further negotiations might obtain the favors and consideration due to America.

Madison opposes Jay's treaty

The principal speech for the treaty, and one of the best examples of American eloquence of the period, was that of Fisher Ames, a member of Congress from Dedham, Massachusetts. Ames, who was one of the keenest wits, readiest debaters, and most eloquent speakers of the House, had been prevented by the disease which was fast exhausting his energies from speaking earlier in the debate. No man on the Federalist side was his equal. Tracy had done well, but his bitter personalities had detracted from the effect of his arguments. Ames' physician had forbidden him to speak; but his party was in need of him, and he determined to disregard the warning. The galleries filled as soon as it was known that he was to take the floor. His physical condition had induced melancholy until his sentiments seemed like messages from the dead. Scarcely able to stand, he

Fisher Ames' famous speech

His physical condition

began in a faltering voice; but soon forgot his bodily weakness in the absorbing interest of his theme, which was introduced by a description of the political temper of the times. "Alarm had spread faster than the published treaty. There were more critics than readers. The reasons for these first impressions were not in the treaty, but in the state of public feeling. The nation was divided over the French Revolution; it was angered over British depredations, and thirsted not for reparation but for vengeance. The best treaty, in which nothing had been refused, would have choked resentment, but would not have satisfied it. It was useless to insist that if more had been demanded, more would have been obtained. If all were granted, a treaty of amity with Great Britain would still be obnoxious. One of the complaints against the envoy had been that he was not ardent enough in his hatred of Great Britain. With feelings such as these, the United States did not pant for treaties. If a treaty left to King George his island, it would not answer, not even if he agreed to pay rent for it. The difficulty was to remove repugnance to any stipulations. So long as Great Britain and France were at war, each would endeavor to create a party in America; but the United States should not be disposed to pursue a policy subservient to either. It was enough to be an American.

1796 April

Ames' great speech for the treaty

Lays opposition to anti-British spite

"Rejection of the treaty would be a breach of the national faith, a stain upon the nation's honor. American merchants would have no redress for

1796

Fisher Ames' speech for Jay's treaty

spoliations; and the fancied security of the frontiers would be again broken by the crack of the rifle, the war-whoop of the savage; the light of the burning dwellings would again dissipate the darkness of midnight. The danger of war with Great Britain was not necessarily from that country. Assuming that England would not be the aggressor, would it be possible to restrain the people of the United States? The latter was in no condition for war; the rejection of the treaty would be evidence of civil strife in the departments, and the party which favored rejection had not formed any plans for the future, or were waiting until national confusion should force one upon them. No real American could regard the prosperity of the country without a desire for its continuance. The great interest and desire of the people was to enjoy the advantages of neutrality, and this security the treaty confirmed; this alone would justify ratification."

Then, with a voice broken by weakness and emotion, Ames continued: "When I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent have their value, because they protract the crisis and the short period in which alone we may resolve to escape it. Yet I have, perhaps, as little personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If, however, the vote should

pass to reject, and a spirit should rise, as it will, with the public disorders to make confusion worse confounded, even I, slender and almost broken as my hold on life is, may outlive the government and Constitution of my country."[1] Ames' speech put an end to the discussion. In the hope of lessening the effect, adjournment was carried; but when the appropriation came to a vote, it was carried by 51 to 48. There were only four votes against it from New England, and but five in its favor from the South. The great change had been in the Middle States, where political feeling was not so set and business interests ruled.

1796 April et seq.

Jay's treaty carried in House, April 30

The question of the ratification settled, the remainder of the session was spent in routine business. An act disposing of lands northwest of the Ohio created the office of surveyor-general; and directed a survey and division into townships six miles square, which were to be alternately subdivided into sections and quarter-sections to accommodate purchasers of large and small quantities. The loan bill for the Federal city passed. An arrangement was made to check the impressment evil, by agents who should relieve oppressed

Other business of session

[1] Judge Iredell and Vice-President Adams were in the gallery, and Adams thus described their emotions: "Our feelings beat in unison. 'My God! how great he is,' says Iredell, 'how great he has been.' 'Noble!' said I. After some time Iredell breaks out: 'Bless my stars, I never heard anything so great since I was born.' 'Divine,' said I; and thus we went on with our interjections, not to say tears, to the end. Tears enough were shed. Not a dry eye, I believe, in the House, except some of the jackasses who had occasioned the necessity of the oration. The situation of the man excited compassion and interested all hearts in his favor. The ladies wished his soul in a better body."

1795, etc.

seamen and grant certificates of citizenship. The three frigates which were building, the *Constitution* at Boston, the *United States* at Philadelphia, and the *Constellation* at Baltimore, were ordered completed; a resolution by Madison for a great post-road from Maine to Georgia failed through inter-State jealousy, but is of interest as an early example of internal improvements discussed by the general government.

Internal improvements looming up

In the existing condition of European affairs, it necessarily happened that what was agreeable to England was displeasing to France. The latter country had presumed much upon American friendship, and was deeply indignant over Jay's treaty. So far as the United States was concerned, it is true also that party feeling had obscured neutrality, that the Federalists would favor England as the Republicans would favor France. Since 1792 Gouverneur Morris had been minister to France: a man without enthusiasm, aristocratic in his habits and temper, cynical and keen-minded, upon whom the glamour of sentiment which enveloped the Revolution would produce no effect. Public business proceeded slowly in France, by reason of the jealousy and conflicting jurisdiction of various boards and committees. In 1794, 15,000 people were under arrest in Paris, ten times as many in the provinces, and the petitions submitted in their cases would require ten hours a day for a year for reading alone. Naturally American affairs could make but little progress, and this was chiefly in the attempt to secure

Gouverneur Morris as French minister

redress for losses occasioned by the embargo at Bordeaux. 1794

The recall of Morris came as the sequel to that of Genet; and Washington, still anxious to placate France and not yet willing to give up his theory of appointing men of both parties to office, selected Monroe as his successor. In every way the choice was unfortunate. Monroe accepted the post not as an American, but as a representative of the pro-Gallic section of the Republican party. Without losing sight of the interest of his own government, Monroe regarded too highly the interests of France. It was equally unfortunate that he was not trusted by the administration, but was kept in ignorance of the progress of Jay's mission, was allowed to interpret his own instructions, was not informed of the changes in public opinion at home. If the war-cry of one party was no alliance with England, the motto of the other was extermination of the principles of the French Revolution. A greater man than Monroe would have failed; and it is not surprising that with mind, temper, and habit unaccustomed to broad views, converted to a belief in absolute liberty that excused the worst of despotisms, he should view everything with prejudiced eyes.

Gouverneur Morris superseded by Monroe, August 1794

Monroe's luckless French mission

Monroe's instructions were intended to prepare the way in France for a favorable reception of an Anglo-American treaty; but he was to state expressly that the engagements existing between the United States and France were not to be weakened by any agreement with Great Britain.

His instructions

1794

Monroe's instructions

"You go to France to strengthen our friendship with that country. You will show our confidence in the French Republic without displaying the most remote mark of undue complaisance. You will let it be seen that in case of war with any nation on earth, we shall continue to regard France as our first and natural ally." Monroe was to secure also a suspension of the embargo which had been laid at Bordeaux, and to obtain compensation for the losses incurred; to obtain redress for captures made by French privateers; to prevent future violations of the existing treaties; and to gain the French influence over the Spanish court for the free navigation of the Mississippi. Promises were soon obtained of a satisfactory settlement of the losses occasioned by the embargo and the privateers; Monroe hesitated to press closely the violation of treaties, since France had her complaint concerning the guarantee of the French colonies; while the question of the navigation of the Mississippi was settled favorably by Pinckney's treaty of October 27, 1795, signed at San Lorenzo el Real.

Progress toward agreement

French situation

Upon Monroe's arrival in Paris, he found all commercial interests suffering from adverse and ill-considered legislation, with a general distrust of the United States due in part to a dislike of Morris, and also to doubts about the real meaning of Jay's mission. His own reputation as a supporter of French ideas had preceded him, and on the 15th of August a formal reception ceremony took place in the hall of the National Convention.

As the American ambassador entered, he was greeted with cheers for the two republics. After an address which, as Monroe did not speak French, was read in translation by a secretary, the President of the Convention gave him the republican embrace, the *accolade;* the crowd cheered again; a decree of formal recognition was passed; and by another resolution, the flag of the United States was to be displayed along with that of France in the Convention Hall, as a sign "of the unity and eternal fraternity of the two peoples."

1794

Monroe's welcome to France

The first dispatches showed that Monroe had determined to treat France with the consideration which he believed to be due to a friendly republic, and he believed that his mission would be brilliant and successful. The first shock to this belief came in a letter from the United States, which criticised him mildly for the ceremony of his reception, and —a more bitter dose for Monroe—warned him not to show too lively an interest in French affairs, since he might thereby disturb the progress of the negotiations in England. Certain resolutions of Congress which the President had sent were not to be overestimated by France. The President had done no more than his official duty; he was moreover determined to preserve neutrality, and these spectacular exhibitions of zeal were not in keeping with that policy. Meanwhile, the French government had sounded Monroe respecting a loan, which he favored in a letter home, but which the government declined to consider. By the 2d

Too warm for his own government

Warned to do only his duty

1794-5

of December, Monroe was able to announce that all of his requests had been granted except the indorsement of the doctrine that "free ships make free goods." In January that was admitted also; but almost at the same time Monroe was informed of the rapidly rising public anger in France over the British treaty, to which he could reply only by the statement that the relations between the United States and France would not be disturbed by it.

French anger at Jay's treaty

In the midsummer of 1795, France, again threatened with famine, heard that the order to prevent the carrying of provisions to her ports had again been proclaimed by the British government. Somewhat later, the full text of the Jay treaty revealed the fact that there were advantages given to England as a belligerent not accorded to France. The French minister, Adet, was placated as far as might be, and Monroe was instructed to prevent erroneous opinions in France. The Directory considered the British treaty as a rupture of the alliance of 1778, and proposed to send an envoy extraordinary to the United States, to which Monroe strongly objected. Monroe's own dignity and principles should now have led to his resignation. He believed that the administration had used him to amuse France until the English treaty was an accomplished fact; that he had been treated with small consideration by officials who were his political enemies. Monroe's mind was soon set upon a vindication of his conduct, which he thought could be better prepared at Paris than

Not unreasonable

Monroe feels ill-used

elsewhere, and that some advantage to his own party might result from a longer stay. 1795, etc.

In March the French government submitted a long list of complaints, chief among which was the failure to carry out the treaty of 1778, the insult to Fauchet at Newport, the "unlimited condescension shown to England." To these charges Monroe replied as best he could; but meanwhile, at home, the administration had carried the British treaty through the House, and Pickering wrote Monroe a letter accusing him of lukewarmness, of exceeding his instructions, and of failure to represent the real sentiments of the country. On the other hand, the French minister had been active in his plans and persistent in his complaints. In May of 1793 there were rumors of French intrigues in the West; set on foot by Adet, whose representative was a certain General Collot, officer of engineers. It was said that his plan was to visit the Western posts, to go down the Mississippi and note the condition of New Orleans. Men of standing were to be interviewed, doubtless with a view to the separation of the Western country. The following April it was reported that Collot and his companions were in the West, with letters from Gallatin, and a memorial also from his hand showing the advantages of the cession of Louisiana to France. According to Collot's own statements, his journey would include Fort Washington, Greeneville (where he was to meet General Wilkinson), Lexington, and Danville; the Southwest territory, then to the Illinois

France complains of United States

Pickering's harsh reproof to Monroe

French designs on the West

1795

country, and finally to New Orleans by way of the west bank of the Mississippi. Like most of his countrymen, Collot was much dissatisfied with Jay's treaty, predicting the speedy cession of Louisiana and the Floridas to France, when Western America would be dependent upon the good-will of their former benefactor, to whom they were now so ungrateful.

French prophecies of American humiliation

To add to the distress of the French minister, England was at this time making every effort to capture French San Domingo, purchasing quantities of provisions and numbers of horses in the United States and shipping them by American vessels. This seemed a violation of neutrality, and was the subject of a spirited protest, which the French envoy gave to the *Aurora* as well as to the State Department, thus losing no opportunity of strengthening his cause with the people. He called upon all loyal Frenchmen to wear the tricolor cockade, as an evidence of their patriotism and principles; and finally issued a proclamation in which, in the name "of the faith of treaties and American honor," he demanded the execution of "that contract which secured to the United States their existence." The days of the Revolution were recalled to arouse the anti-British sentiment; France was represented as deserted in the hour of her distress, when, surrounded by enemies, she had turned to America for friendship, for sympathy, for a "second country."

Adet appeals to American people

By this campaign document Adet hoped to affect the elections which were to take place in

1795–7

Pinckney replaces Monroe

the following December; but meanwhile he was recalled, and no successor was appointed. In the existing conditions of affairs in Europe, it seemed necessary for the United States to have a representative in Paris; and General C. C. Pinckney was chosen to replace Monroe. Pinckney was a moderate Federalist, who would not be led astray by republican enthusiasm; and it was hoped that he would be acceptable to the Directory. He was instructed to correct the impression that the government and people were divided upon the question of the public policy toward France, to remove jealousies, to answer complaints, and to restore confidence; but the French government refused to receive these overtures. Monroe's recall was looked on as a confirmation of the fact that the United States was committed to a British alliance. Pinckney was a personal friend of the President, his brother had been minister to England, and but one construction could be placed upon the appointment. The new envoy reached Bordeaux in November, and Paris early in the following month. On the 11th of December, Delacroix, the minister of foreign affairs, sent him a note informing him that he could not be received by the Directory, and that no minister would be accepted from the United States until French grievances had been redressed. France continued to withhold her recognition, and even refused Pinckney the permit necessary for his continuance in Paris. Early in 1797 he withdrew to Amsterdam, and not long afterward became an actor in one of the most

His affiliations

Refused reception by France

1796

interesting and vitally important episodes of Adams' administration.

Washington refuses renomination

At the beginning of the year 1796, Washington had announced his intention of retiring from office at the expiration of his second term. The Federalists awaited the elections with gloomy forebodings. In October it was quite certain that their candidates would be Adams and Thomas Pinckney, and equally certain that their opponents would be Jefferson and Burr. On the 18th of September Washington published his farewell address, his political legacy to the people of the United States, which embodied the principles which had guided him during his administrations. The first and most important duty was the preservation of the union; the public credit was to be maintained; the people were warned against the undermining influences of any associations which sought to obstruct the working of the laws, and against the evils of party and local politics. In foreign affairs the United States should preserve a state of impartial neutrality, avoid all association with European politics, expect no disinterested favors from another nation,—"an illusion which experience must cure, which a just pride ought to discard."

His farewell address

The coming party struggle

For the first time since the adoption of the Constitution, there was to be a real party struggle in the election of the chief magistrate. Of the two parties, the Federalist was the better organized and the more compact. Their leader was Hamilton; but Hamilton was not a presidential

possibility, and the two men to whom the office might go with most propriety were John Jay and John Adams. The British treaty had removed Jay from the field; moreover, in length and character of his public service, the party generally conceded to Adams a place second only to Washington. His patriotism and integrity were unquestioned; the only objections were to certain unpleasant personal qualities, and a habit of forming his own opinions rather than accepting those of a party. Hamilton disliked Adams; had previously endeavored to lessen his political popularity, probably because Adams did not recognize Hamilton's party leadership, and did not accord to him that measure of respect which he was accustomed to receive. Hamilton possessed Washington's fullest confidence, and the Cabinet had come to regard this ascendency as the motive power in the administration, passing over the Vice-President,—an attitude that had its effect upon Adams, who had long regarded himself as the rightful successor to Washington.

1796

John Adams and the Presidency

Disliked by Hamilton

Who remains leader of Cabinet

With one candidate from New England, it was necessary that the other should be from the South; and Thomas Pinckney was chosen. Members of the Cabinet believed that the five Eastern States would give their votes to Adams and Pinckney. For President, Adams would receive the votes of New York, New Jersey, and Delaware, and half of those of Pennsylvania and Maryland. Four votes might be counted for him from the States farther south, while Pinckney would probably

Adams and Pinckney

1796

secure from four to six more in the same territory. This would probably make Pinckney President, a result which could be prevented by scattering just enough Pinckney votes to bring him into second place, thus excluding Jefferson. The most liberal reckoning could not collect more than seventy-six votes for Adams; and meanwhile the Hamilton intrigue was working. Hamilton urged every Federalist to vote for Adams and Pinckney, which would leave to the House of Representatives the task of determining the rank; yet Hamilton knew that there was a strong probability that some of the Southern Federalist votes would go to Pinckney but not to Adams, and that Adams would not consent to serve in second place.

Schemes to defeat Adams

The Federalists in the electoral college were uncertain and suspicious; the majority of the party preferred Adams, and feared his defeat by underhanded methods. Eighteen votes from New England were cast for Adams which did not go to Pinckney, while a few Federalist votes in the South were divided between Pinckney and Jefferson. In many of the States the contest was a close one. Pennsylvania gave but one vote to Adams, two to Pinckney, thirteen to Burr, and fourteen to Jefferson. One of the Federalist electors had voted for Jefferson and Pinckney, much to the disgust of his party, who had chosen him to act and not to think. Yet the Constitutional Convention had adopted the plan of the electoral college with the intent that the electors should be unrestricted in their choice. It was long before the

Disorderly vote

complete returns were received, which showed that Adams had seventy-one votes, Jefferson sixty-eight, and Pinckney fifty-nine; John Adams was President by three votes, and Jefferson was placed in the office from which, above all others, he could form and direct his party.

1796 Nov.-Dec.

Adams and Jefferson elected

It was some time before Adams suspected how nearly he came to losing the office he so strongly desired, and to which he believed himself entitled; but from the day that this unwelcome news was forced upon him, he became the unrelenting enemy of Hamilton. Adams was an honest friend, and hated with a hatred equally honest and intense. He never forgave Hamilton; nor did Hamilton, who was not ordinarily malicious or persistent in his enmity, cease to work against Adams during his administration. Adams was not inclined to be the follower of any man, or to adopt any policy other than his own without the best of reasons. His egotism was excessive; he had spoken of himself half in jest, half in earnest, as the "heir apparent"; he had heard with pleasure that Jefferson had expressed a wish for Congress to choose Adams in case the votes were equal for the two; and he thought that people a sordid one, and without a sense of honor, equity, or character, who would consent to be governed by a Pinckney.

Adams hates Hamilton for opposing him

His character

Before the results of the elections were known, Congress had assembled for the final session. The Republicans were not inclined to risk popularity and a loss of votes by opposing Washington's personal influence, but waited until some time should

New session of Congress

1796 Dec. remove him from the political arena. There were but two Republican Senators from the Northern States, Langdon and Burr. The Senators from Tennessee took their seats; and in the House was the single Representative from that State, Andrew Jackson, a lank young man with locks of straight black hair falling about his face, giving as yet but little sign of a future greatness. The President announced the measures that had been taken to put the new treaties into effect. The Algerine captives had been released; and a body of them, sixty in number, were received by the people of Philadelphia with a sympathy not unmixed with curiosity. Affairs with Tunis and Tripoli wore a more favorable aspect; recommendation was made for the increase of the navy, the more thorough organization of the militia, the building of arsenals, the establishment of a military academy and a national university. The President expressed the desire of the administration to maintain friendly relations with the French Republic, and congratulated the people of the United States upon the successful working and apparent stability of their own government.

Opening of Congress

General business

The reply of the House was in a tone of personal compliment; the State Legislatures had responded in terms of affection to the farewell address, and the second administration of the first President made a brilliant end, worthy of the great man who filled the office. The work of the House was mainly of a routine order. Plans for an additional revenue had been submitted by which

Cordial reply to Washington's message

a direct tax was to be laid upon lands, houses, and slaves; but a bill in accordance with them failed, and heavier impost duties were adopted. The Republicans were opposed to increasing the taxes, preferring a reduction of expenses at the loss of the army or navy.

1797 Jan.–March

In February of 1797 Washington's birthday was generally celebrated throughout the country. Private congratulations were mingled with public praise; all classes of people brought their offerings of respect and love, preparing to honor the last days of the administration. Jefferson reached Philadelphia March 2, and was hailed as the friend of the people. On the night of the 3d, the officials of the government and men prominent in public life were entertained at a State dinner; and in a toast to the company, Washington bade farewell to the social formalities of official life. The following day Jefferson took the oath at eleven o'clock; and it seemed to some of his critics that the duties of his high office sat lightly upon his shoulders. When Washington appeared on his way to Congress Hall, he was received by the continuous cheers of the people, who crowded about him in his passage. Then came the President-elect, John Adams, dressed in a new drab suit. As the artillery announced the noon hour, Adams rose and delivered an able inaugural address, containing a graceful tribute to Washington; the oath of office was administered by Chief-Justice Ellsworth; and the administration of the second President had begun.

Close of Washington's last administration

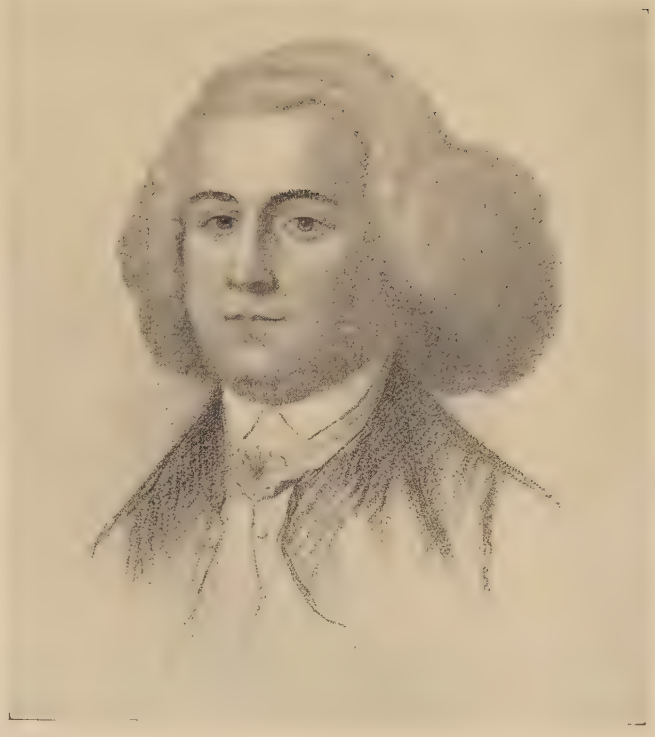
Farewell dinner given by him

Adams' inauguration

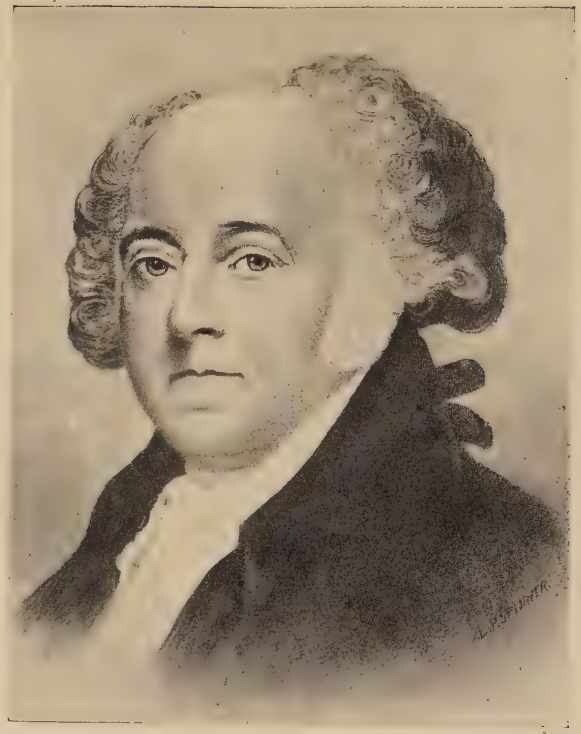
1797

Farewell dinner to Washington

Washington, Adams, and Jefferson left the hall together, but the people had eyes only for the ex-President. They followed him as he left the hall, and followed him to Adams' lodgings, where he turned and bowed to the crowd, most of whom never saw him again. That night three hundred of the prominent citizens of Philadelphia entertained him at a farewell dinner. The next day Washington, again a private citizen, but still the first of men, withdrew to the retirement of his beloved Mount Vernon.



JOHN ADAMS AT TWENTY-TWO.



JOHN ADAMS, PRESIDENT.

CHAPTER LVIII.

ADMINISTRATION OF JOHN ADAMS: X. Y. Z. MISSION, ALIEN AND SEDITION LAWS

1797

John Adams' luckless position

It was the misfortune of John Adams to become President at a time when party strife raged with a violence rarely paralleled in the history of the United States. No Pandora's box ever emitted a swarm of evils greater than those which infested political life during these turbulent four years when it again fell to Adams to perform unpleasant duties, to make enemies where he would have made friends, to bear up against a storm of adverse and often undeserved criticism. Succeeding as he did to the national hero, Adams was humiliated to find how immeasurably small was the place occupied in the public heart by any other man, when compared with that filled by Washington; nor was it long until he realized that in his own party he was not the leader, and that members of his own Cabinet were his most persistent opponents.

Succeeding Washington

And overshadowed by Hamilton

Adams had made the mistake of retaining Washington's advisers, who had grown into the habit of looking to Hamilton for party direction and advice. These men were capable officials, but no one of them commanded a political following that would be useful to the party in general. Moreover, they were acting from preconceived notions, which apparently they were unable to abandon.

1797

They had no high opinion of the President, but were inclined to adopt Hamilton's view that the personal qualities of Adams—his egotism, temper, and rashness, which they magnified—made him an unsafe man for the office of chief executive. In a sense, they considered themselves as the guardians of the state; an official machinery by which the mistakes of Adams might be prevented or rectified, and the plans of the Federalists carried into effect. They were the pilots whose skill was to turn the ship of state from the dangerous courses into which it was almost certain to be directed by the President.

Adams' Cabinet act as conservatives

However, President Adams was perfectly able out of his own resources to navigate the ship of state, and no one knew that fact better than himself. Men who knew him well, Federalist and Republican alike, predicted that he would be no submissive executor of a policy determined for him by others. In his inaugural address he had expressed sentiments highly pleasing to the opposition. Respectful attention to the provisions of the State constitutions, and a constant caution and delicacy toward the State governments; equal and impartial regard to the interests, rights, honor, and happiness of all the States, with a profession of personal esteem for the French nation, was new and strange doctrine from the lips of a Federalist President. The Republicans speedily made an effort to draw Adams within their camp; Jefferson congratulated him upon the fact that he had not been cheated out of his rightful place by his "arch-

He thinks it needless

Pleases Republicans at first

Dear Sir

Monticello Dec. 28. 1796

The public & the public papers have been much occupied lately in placing us in a point of opposition to each other. I trust with confidence that less of it has been felt by ourselves personally. In the retired canton where I am, I learn little of what is passing: pamphlets I see never; papers but a few, and the fewer the happier. our latest intelligence from Philadelphia at present is of the 16th inst. but tho' at that date your election to the first magistracy seems not to have been known as a fact, yet with me it has never been doubted. I knew it impossible you should lose votes North of the Delaware & even if that of Pennsylvania should be against you in the mass, yet that you would get enough South of that to place your succession out of danger. I have never one single moment expected a different issue; & tho' I know I shall not be believed, yet it is not the less true that I have never wished it. my neighbors, as my companions could avow that fact, because they see my occupations & my attachment to them. indeed it is possible that you may be cheated of your succession by a trick worthy the subtilety of your arch-friend of New-York, who has been able to make of your real friends tools to defeat them & your just wishes. most probably he will be disappointed as to you; & my inclinations place me out of his reach. I leave to others the sublime delights of riding in the storm, better pleased with sound sleep & a warm birth below, with the society of neighbors, friends & fellow laborers of the earth, than of spies & sycophants. no one then will congratulate you with purer disinterestedness than myself. I share indeed which I may now add in

J. Adams V. President of the US

LETTER OF JEFFERSON TO ADAMS CONGRATULATING HIM ON HIS ELECTION.

friend of New York"; the Republican papers styled him a real patriot, and expressed the hope that he would continue as he had begun. The Federalists were entirely unable to account for this unusual burst of confidence; but before their wonder ceased, Adams was being berated roundly by his recent admirers. 1797

The Federalists were stronger in the Senate and House than they had been in the two preceding sessions. An agreement between the two factions of the party, a sincere respect and proper deference toward the President, a united party policy, might have intrenched the Federalists firmly in the favor of the people. The burden of the blame for the failure to appreciate the situation must rest upon the shoulders of Hamilton; for while Adams was in ignorance of the extent of the cabal against him, one of the Cabinet was imparting to Hamilton, "in the most perfect confidence," matters which might well have been considered state secrets. On the other hand, Adams was blinded by his own personal qualities, displayed his temper by taking offense at trifles, and made no effort to win by tact or conciliation the men who might have formed a personal support of great strength. Just at this critical time, foreign complications arose which excited anew the public feeling, scarcely recovered from the contest over the British treaty.

Federalists ruin promising chances by dissensions

Hamilton's share

Adams'

Relations with England had assumed a more favorable aspect; but with France the situation was still critical. The Directory had made of Monroe's farewell a ceremony which was at once a comment

Foreign relations

1797 March–May

and a criticism upon the administration, another attempt to sow the seeds of dissension between the President and the people. Even before Adams' inauguration, war had been expected; and while the Federalist party as a whole did not shrink from the test, Hamilton and some other leaders favored a new commission of three, of which Madison should be one. Upon the morning after the inauguration the President received a call from Fisher Ames, who advised him to send such a mission; meanwhile commenting upon the gravity of the situation, and suggesting the name of George Cabot as the appointee from New England. Adams replied that he had thought of the plan, but feared that party feeling would prevent the Senate from confirming Madison. Adams did not favor Cabot, and mentioned Gerry; but Gerry met with decided opposition from the Cabinet. This Adams believed to be his first offense against the "sovereign heads of departments and their disciples." A number of the Federalists were opposed to any mission, urging that the "French party" was dead, and expressing the fear that it might be restored to life by these negotiations.

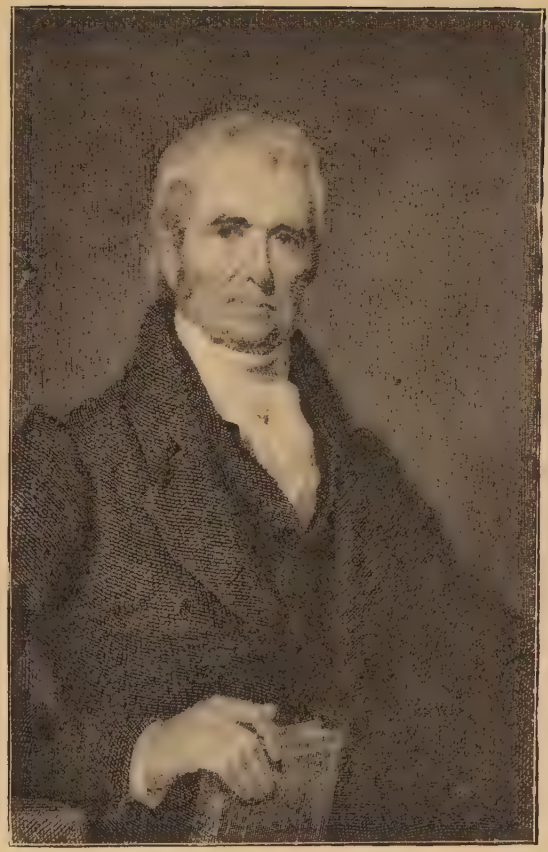
French mission suggested

Opposed

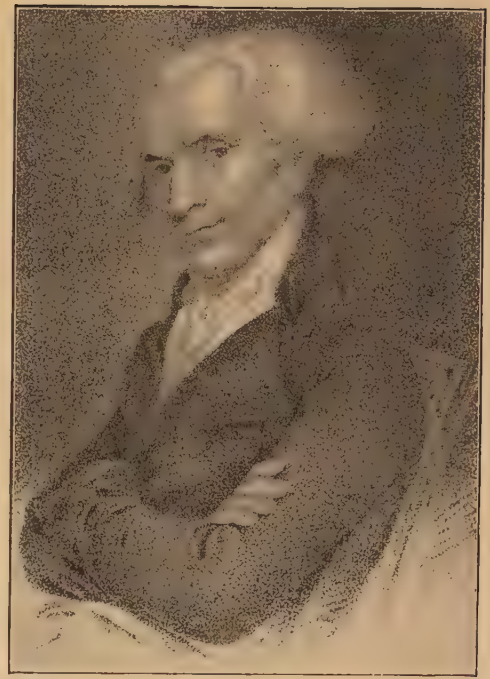
Meanwhile definite information of the treatment accorded Pinckney in France had been received; and Pickering, the Secretary of State, would have made an immediate appeal to the people had the President permitted. An ineffectual appeal was made to Hamilton to interpose; but Pickering and Wolcott changed their views on learning that Hamilton himself favored another

Anger at Pinckney's treatment

C. C. PINCKNEY.



JOHN MARSHALL.



ELBRIDGE GERRY.

attempt to make an honorable peace. Adams had called Congress to meet in extra session May 15, and in his message told the story of Pinckney's reception and Monroe's farewell, denouncing the attempt to create dissension and popular resentment against the government. The President believed that such attempts should be repelled with a spirit that would convince France and other nations that we were not a degraded people, regardless of national honor, character, and interest. A particular and urgent plea was made for the increase of the navy and the militia, and for a proper fortification of the sea-coast; for without the means of defense it was impossible for the United States to avoid European entanglements through foreign aggressions.

1797 May–June

Stronger armaments needed for national dignity

On the 31st of May the President sent to the Senate the names of the members of the new mission to France: General Pinckney, then in Holland; Francis Dana, Chief Justice of Massachusetts, and John Marshall of Virginia. Dana declined the appointment, and Elbridge Gerry was appointed, not without considerable Federalist opposition. The ardor of the war party was cooled somewhat by the news of Napoleon's victories, by the humiliation of Austria, and by the distress of England contending at once with rebellion, mutiny, and bankruptcy. The envoys were not men of extreme party views; and there seemed to be a strong probability of success, since the French people had not approved the conduct of the Directory toward Pinckney, and even Talleyrand had

French mission appointed

1797

expressed a desire to see the insulted minister again in Paris.

Both parties had suffered notable losses in the Senate and the House. Madison's retirement gave the leadership of the opposition to the equally able Gallatin, who was seconded by Giles, John Nicholas, and Edward Livingston. The Federalists were deprived of the great services of Fisher Ames, whose place was filled by Harrison Gray Otis, with Samuel Smith and R. G. Harper the leaders of the administration. The enactments of this session were made chiefly with reference to the foreign situation. Laws were passed forbidding the equipment of privateers and the exportation of arms. The three frigates were to be completed as speedily as possible, 80,000 militia were to be organized and equipped; and to meet the expenses incurred increased import duties and a stamp tax were imposed.

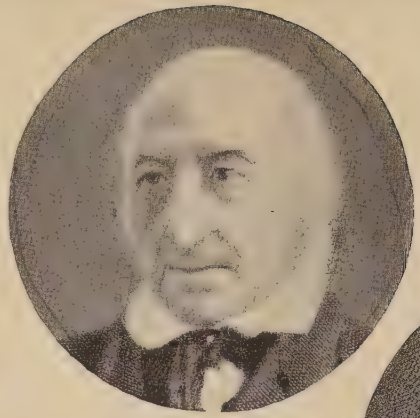
Important new members

Chief acts of session

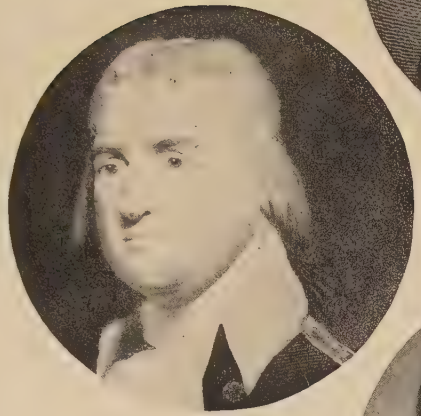
Among the new members who appeared in Congress was Matthew Lyon; a stocky, determined representative from Vermont, who as a boy had been kidnapped from his home in Ireland, brought to America, and sold as a redemptioner in Connecticut, then traded to a Vermont farmer. He had been lieutenant of a militia company during the Revolution; but his men had deserted, leaving him to bear the responsibility for the act, and it was reported that he had been cashiered and for a few days compelled to wear a wooden sword. After the war he became active in developing the resources of his State, married the daughter of the

Matthew Lyon

HARRISON GRAY OTIS.

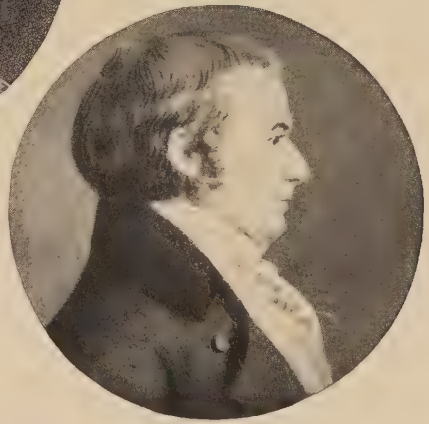


ALBERT GALLATIN.



GEN'L SAMUEL SMITH.

EDWARD LIVINGSTON.



ROBERT GOODLOE HARPER.

WM. B. GILES.

(From Emmet Collection, New York Public Library.)

FEDERALIST LEADERS IN ADAMS' FIRST CONGRESS.

REPUBLICAN LEADERS IN ADAMS' FIRST CONGRESS.

governor, and became a local politician of note. Lyon was a democrat of the democrats; a genuine *sans culottes,* who, with his uncouth manners, intemperate language, and rough bearing, was a veritable thorn in the sides of the Federalists. His independent spirit was shown first when he asked to be excused from joining the House in the customary call upon the President to return their answer to his speech, and in his efforts to put an end to the entire ceremony. The House, by way of reply, intimated that their body would be purified and made much more respectable by his absence; but not one vote could he secure in the attempt to abolish the custom. After this Lyon was a frequent offender, until the Federalists turned upon him and attempted to end his political existence; an attempt which recoiled upon their own heads.

1797

Lyons' anti-good manners crusade

The summer of 1797 was noted for its public scandals, the virulence of the press, and the violence of party spirit. The *Aurora* was unceasing in its attacks upon the administration, and upon everything connected with the Federalist party. One writer—not the much offending Bache—had hailed the departure of Washington from office with the ejaculation of Simeon, "Lord, now lettest thou thy servant depart in peace"; and had gone on to congratulate the country upon the end of an administration which, he insisted, had countenanced political iniquity and legalized corruption. The responsibility for the publication rested upon the editor, however; and some months

"Aurora" violent democratic organ

1797

after, Bache was set upon and severely beaten for his abuse of the Federalist policy and General Washington.

The Mazzei letter from Jefferson

Somewhat later in the summer the celebrated Mazzei letter appeared. Mazzei was a Florentine who had attempted vine-growing on an extended scale near Jefferson's home, Monticello. He was a liberal in politics, and came to be an intimate friend of the Vice-President. During Mazzei's residence in America his wife had died; and it was in answer to a request for official proof of her death, that Jefferson expressed the opinions which were made the grounds for charges of disloyalty and even of treason. The political part of the letter was given by Mazzei to the *Florentine Gazette;* whence it was copied in the Paris *Moniteur;* and after two translations found its way, again in English, into the London papers. The Federalist papers printed it, and following their custom in the case of Jefferson's writings, discovered hidden meanings, half-concealed plots, and disguised treason. "The aspect of affairs," Jefferson wrote, "has wonderfully changed. In place of that noble tone of liberty and republican government which

The usual attack on Federalists

carried us triumphantly through the war, an Anglican, monarchical, aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British government. The main body of our citizens, however, remain true to their republican principles; the whole landed interest is republican, and so is a great mass of talents. Against us are

1797

The Mazzei letter

the Executive, the Judiciary, all the officers of the government, all who want to be officers, all the timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants, speculators and holders in the banks and public funds,—a contrivance invented for the purposes of corruption, and for assimilating us in all things to the rotten as well as to the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies; men who were Samsons in the field and Solomons in the council, but who have their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors and perils."

Woful prophecies

Such was the letter as Jefferson wrote it. It had suffered much in meaning by repeated translations; but coming from the opposition leader, the effects were wide-spread. To France it seemed like an explanation of the conduct of the United States toward the republic; to the Federalists it for a time appeared as sufficient ground for impeachment. It was immediately construed as a personal attack upon Washington, behind whose ample frame the whole party often sought shelter. Jefferson was called upon by one of the papers to deny this "treasonable and damnable" letter; but upon the advice of his friends, and feeling that any adequate explanation would only serve to complicate matters, he persisted in discreet silence. After all, it changed no opinions about him, and was soon forgotten.

Causes great excitement

Jefferson refuses to explain

1797

Monroe wrangles with Pickering

Meanwhile Monroe had returned from France in June, and had opened an angry correspondence with Secretary Pickering concerning his recall, the reasons for which were demanded. These Pickering declined to give, since both appointments and removals were subject to the will of the Executive, and should not be made the subject of public discussion. There were many possible causes of removal other than misconduct; among them were lack of zeal, defective judgment, want of skill and diligence, said the Secretary, in a reply which intimated that Monroe could choose for himself the particular reason responsible for his return. This reply was not at all to Monroe's liking. He urged that an impression existed that the crisis in French relations was due to his conduct, and that he could not permit himself to be robbed of the blessings of an honest fame even by the Executive of the United States. Presently a vindication of his course appeared in a book entitled *A View of the Conduct of the Executive,* which, unlike Randolph's vindication, proved no hindrance to the writer's political advancement.

Publishes a vindication

The severest blow dealt during this period of personal attacks was aimed at Hamilton; and upon Monroe or some of his political friends a charge of treachery has always rested. The instrument through which the attack was made was that most disreputable of the tribe of pamphleteers, Callender, who at various times tried to blacken the fame of half the public men of his day. No scandal, however improbable, was left unexplored if

The Hamilton-Reynolds affair

only it promised to be of a sufficiently revolting kind. In 1792 a man named Clingman had been arrested for attempting to secure money from the government by fraudulent means. Clingman insisted that he was merely a nobody in the business, and hinted at information in his possession which would involve men of high rank in the same practices; that his partner, Reynolds, knew enough to ruin the reputation of no less a personage than the Secretary of the Treasury himself.

1792

The Reynolds blackmailing scheme

Clingman made this statement to Muhlenberg, who at once sumoned Monroe and Venable, and with them visited Reynolds in his cell. Reynolds promised the information when released from prison. Somewhat to the surprise of the three, it was found that Reynolds' wife was also concerned in the affair; but with incomplete statements from the two men and Mrs. Reynolds, and with a few letters, the self-constituted committee of investigation confronted Hamilton and demanded an explanation, which he assured them would be given that evening. No more severe trial ever awaited a man than now confronted Hamilton. His personal character and political honesty were on trial, and one must be sacrificed. When evening came, Hamilton presented incontestable evidence to show that Mrs. Reynolds had been his mistress, probably with her husband's knowledge and consent; that the pair had demanded and obtained large sums of money as the price of silence; and that when more blackmail was refused, they had adopted this method of revenge.

Hamilton's painful alternative

1792-7

By this time the committee professed to be ashamed of their suspicions and discovery. A part of the papers were sent to Hamilton; others were kept, but under a promise of absolute secrecy. Muhlenberg and Venable were able to show that this promise had been kept; but Monroe on his departure for France had left those in his possession with "a respectable character in Virginia," and in due time they came into the hands of Callender, who published them. Undoubtedly the existence of the papers was known to all the little group of Monroe's intimates; but Monroe himself denied all knowledge of the way by which Callender got them, while Callender declared that they were published in retaliation for the charges against Monroe. Monroe persisted in denying that he had had any personal part in the affair; the name of the "respectable character" was not forthcoming, though Jefferson was suspected; and Hamilton was forced to print in his own defense the whole unsavory story. The admission, painful and humiliating as it was, hurt Hamilton most through those whom he loved. So despicable was the animus of the whole plot that the public sympathy outweighed public censure.

Gross treachery against Hamilton

Who has to publish facts in Reynolds case

Notwithstanding the treaty which had been signed with Spain, there were indications that the posts on the eastern bank of the Mississippi would not be given up without a struggle. The intrigues which had been going on had by no means ceased, and zealous Spanish officials hoped to preserve for Spain some part of her hold on the Indian

Spain to keep Mississippi Eastern ports

territory and the Western Americans. As a part of this plan, Baron Carondelet sent one Thomas Power, in June 1797, to General Wilkinson, who had succeeded to the command of the American army after the death of Wayne in December of 1796. In the letter, Wilkinson was asked to delay the march of the American troops until certain questions then in dispute could be determined. As will be seen later, there were plots and counterplots, plans for aggression and defense; but Power's secret instructions indicate clearly the extent of Carondelet's scheme.

1797

Carondelet sends out Power as emissary

Power was to intimate adroitly to the people whom he met that the delivery of the posts on the Mississippi would be detrimental to the interests of the West, since some day there must be a separation from the Atlantic States, when they would be dependent upon the lower country for supplies of arms, money, and men. For this reason the United States was insisting upon the early surrender of the posts, and the Western States by assisting the movement would forge fetters for themselves: $100,000 to the leaders, a like sum for arms, and twenty cannon would be furnished by the Spanish governor. Power was directed to obtain information concerning the army, and to sound Wilkinson; for a person of his vanity, it was thought, would prefer to be the founder, the liberator, the Washington of a Western State than to be the commander of the army of the Atlantic States. The people would name him general of the new republic, his reputation would raise an

His instructions

Hopes to gain Wilkinson

1797 army for him which Spain and France would equip and pay.

Meanwhile Spain was actively fortifying the west bank of the Mississippi and inviting the Indians into her territory, a source of some alarm to the people of the Northwest. The attempt to attract Wilkinson openly into Spanish service failed. In September he reported Power's visit and Carondelet's letter; but stated that all exceptions had been put aside, and the Spanish governor had been called upon in the most solemn manner to fulfill the treaty. Wilkinson adds that it is possible the letter was a mask for other purposes of Power's, and that he has therefore sent him under escort to New Madrid. Power reported that Wilkinson called the plan of separation a chimerical one: that the people of the West had obtained by treaty all they desired, that no offer could tempt them, that the former feeling had disappeared, in fact that the Kentuckians were offering 3000 men for the invasion of Louisiana in case war should be declared between the United States and Spain. The last opportunity of Spain for a control of the West had gone by.

Wilkinson rejects Carondelet's seductions

Treaty of 1795 solidifies Western loyalty

The first impeachment was attempted during this summer; and the cause of it was the long-heralded invasion of Spanish territory, a forerunner of Burr's plan or the Texas occupation. The Spanish minister complained that an attack was being planned to start from British territories, and received the help of the people of the United States. Pickering had questioned the British

Invasion of Louisiana charged by Spain

minister, had heard his denial, and had made an effort to allay the fears of Yrujo the Spanish minister; but the rumor was heard again, again complaint was made, and the whole plan was eventually revealed by the plotters themselves. 1797

The European war presented an excellent opportunity to the uneasy, land-speculating spirits of the western country to satisfy their taste for adventure, and secure lands which would eventually make their fortunes. The plot has in it all the characters and elements of a melodrama. First among the leaders was Senator Blount of Tennessee, then on the verge of financial ruin due to land speculation. With him as the active agent was a Dr. Romayne; while William Duer, ex-capitalist, always a speculator and promoter, is prompter in the wings. On the stage there is a crowd of interpreters, traders, and natives, among whom one John Chisholm appears; an illiterate, boasting character, who became so infatuated with the scheme that he uttered hints of mysterious happenings and of intimate association with great personages. Finally he prepared for a visit to England, where the plans were to be consummated for the conquest of Louisiana and the Floridas. Chisholm communicated his schemes to James Carey, afterward an interpreter at Tellico block-house. In April of 1797 Carey received a letter from Senator Blount telling him that an influential man had gone to England, and intimating that Blount himself would head any movement which might result from this visit. Blount

Plot to invade Spanish territory

Dramatis personæ

Vague conspirings

1797

did not consider the attempt as a certainty, but warned Carey not to mention the letter to any one connected with the government of the United States or Spain. The Indians were to be approached, to be won over to Blount's interests if possible, and to be held in readiness for any event that might occur.

Blount's filibustering conspiracy

When the letter arrived, Carey was in the service of the United States; and he was not a little puzzled as to his duty. He could not in conscience obey Blount, but he was more distressed at the thought of betraying him; so he sought advice of the very men against whom he had been warned. They assured Carey that the contents of the letter were of much importance to the public; Carey gave up the letter, it soon found its way to Philadelphia, and the secret was out. It seems that there were two plans: one of Chisholm's own contriving, and the other in which Blount was interested. Perhaps they were never intended to become a single movement, since Blount must have distrusted a man of Chisholm's ignorance, habits, and loquacity.

Betrayed by intended instrument

The Chevalier de Yrujo had reported that Chisholm had enrolled 1000 men in Tennessee to attack the Spanish posts on the east side of the Mississippi; that he had engaged the support of the Indians in Louisiana and Florida, with promises of help from English residents about Natchez, for his projected attack on lower Louisiana; that he was to co-operate with a force being collected on the Great Lakes, consisting of 500 English troops,

Yrujo on the watch

MARQUIS DE′ CASA YRUJO.

MME. D'YRUJO.
(Sally McKean.)

800 Canadian militia, and 2000 Indians under Brant; and that these recruits were to be the nucleus of an army for the capture of the territories west of the Mississippi, and of Santa Fé. It was expected that this attempt would be made about the 1st of July, 1797. The fears excited by these reports, whether true or false, account for the attitude of the Spanish officials of Louisiana. In September of 1796 Andrew Ellicott, who had been appointed a commissioner on the part of the United States to run the boundary line provided for by the Spanish treaty, left Philadelphia for Natchez, where he was to meet the Spanish commissioner. Before Natchez was reached, Ellicott received a message from Gayoso the Spanish governor, requesting him to leave his military escort behind. To this Ellicott consented, and upon reaching Natchez received assurances that work would soon begin with the survey. Delays followed, apparently without reason. Ellicott was asked to come to New Orleans to visit the governor of the province, but declined. Preparations for evacuating the posts were suspended, garrisons were increased and the forts put in a condition of defense. The United States, angry with France, was not disposed to be lenient toward Spain; and Pickering openly expressed doubts of the excuses urged by Yrujo—namely, the fear of an invasion of Spanish territory.

1797

Spanish fears of filibustering

Precautions

U. S. government in bad temper

It was at this time that the papers implicating Senator Blount were published, showing that the

1797

Spanish representative had grounds for his statements; that Pickering had been indiscreet to accept without question the statements of the British minister, and little inclined to listen to any representations from the other side. The Federalists urged the impeachment of Blount; the Republicans opposed it, insisting that a Senator was not a civil officer under the United States within the meaning of the impeachment clause. Meanwhile Blount had strengthened popular belief in the rumors of invasion by attempting to escape. He was expelled from the Senate and taken into custody, but afterward released under bonds. Whatever his guilt, it did not affect his standing in his own State. He was elected to the State Senate, and was its presiding officer when the impeachment trial came up; he declined to appear, urging his State office as an excuse. His case was conducted by counsel; and it was decided that Senators were not "officers" liable to impeachment, nor could Blount be tried as a Senator since he had been expelled from that body. The impeachment was therefore dismissed for want of jurisdiction; and Blount died two or three years later.

Attempt to impeach Blount

Fails

The correspondence between Pickering and Yrujo had been enlivened by the sarcastic comments of William Cobbett, who persisted in calling the Spanish minister Don Yarico (an allusion to the heroine of Addison's pathetic story of Inkle and Yarico in the *Spectator*); and when polemic and satire failed, fell back upon ridicule. Cobbett was prosecuted in the courts of the United States;

Cobbett lampoons Yrujo

but his opponents fearing lenient treatment of him, action was brought also in the State courts of Pennsylvania, over which Chief Justice McKean, soon to be Yrujo's father-in-law, presided. Notwithstanding the efforts to convict and the actual offense committed, Cobbett escaped entirely in the one case, and in the other the only penalty was the forfeiture of bonds. 1797 Cobbett sued for libel

Philadelphia was visited again by the yellow fever in 1797 and 1798. The various departments of government removed from the city; people who could do so made haste to get away; an ill-applied system of quarantine served only to terrify the people and arouse their indignation. Physicians of different schools quarreled over methods of treatment, though nearly all agreed that bleeding was a proper introduction. An encampment outside the city was a refuge for many inhabitants. Among the later victims of the plague were the editors of the *Aurora* and the *United States Gazette.* The *Aurora* was thereafter edited by William Duane, who married Bache's widow; and we may assume conducted both enterprises in a satisfactory way, since the *Aurora* lost nothing of its spirit or vocabulary. Fenno's *Gazette* as a party organ was displaced by Noah Webster's paper, the New York *Minerva.* A panic throughout the Eastern States caused many failures; among them that of Robert Morris (the financial savior of American independence), who was ruined by the purchase of thousands of acres of wild lands, by ventures in the West Indies and in the Federal Yellow fever again in Philadelphia Party organs Robert Morris fails

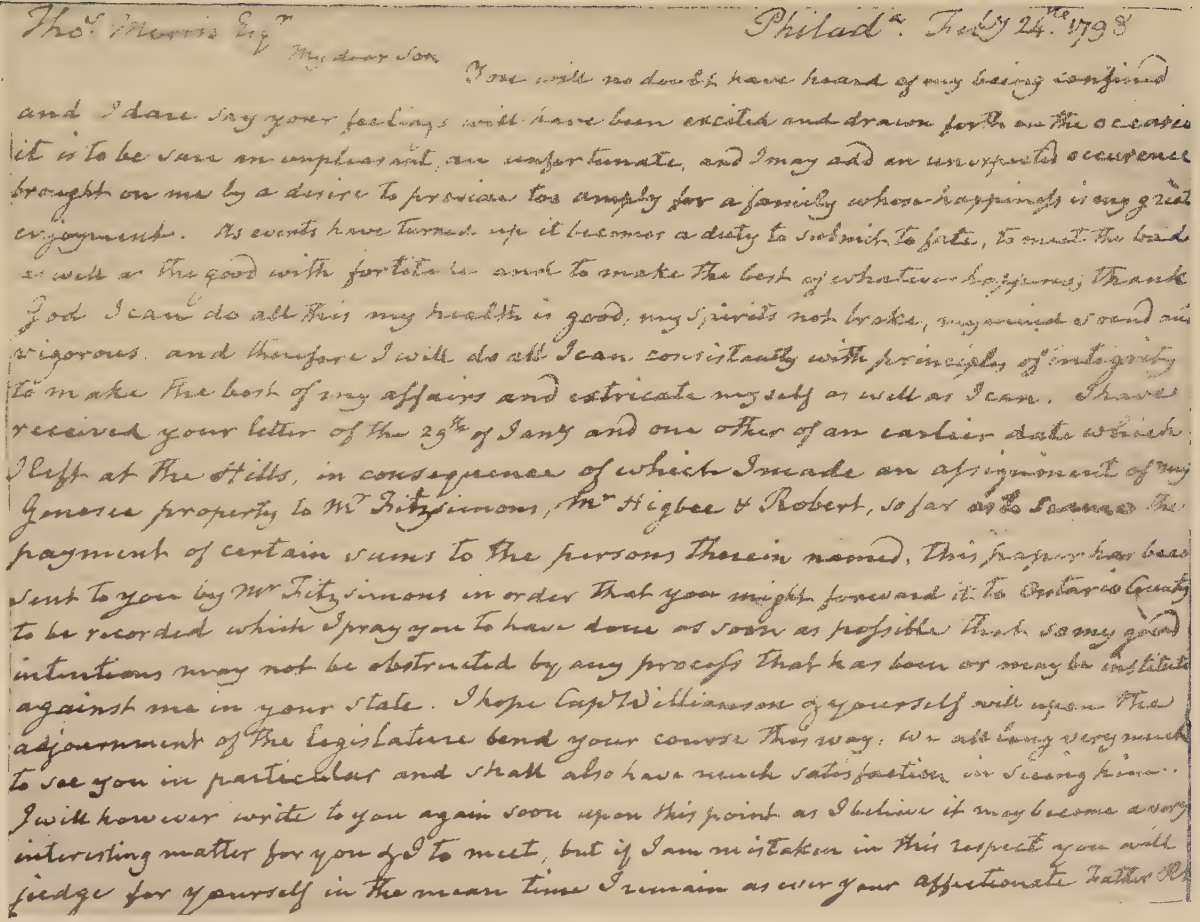
1797

city, and was thrown into a debtor's prison. Commerce had been almost ruined by the war, and this in turn depressed all forms of production and trade, while the late period of over-speculation in land added another element of disturbance to business.

The special mission to France

In foreign affairs, public interest centred chiefly in the result of the French mission. The envoys were instructed to investigate cases of injury to American citizens or American commerce, and to put them in the way of adjustment. Claims for indemnity were to be presented for cases of detention and seizure; though these questions were not to be considered as preventing a treaty, but were to be deferred. The complaints of France were to be taken up first, after which all the treaty relations between the two countries were to be revised in accordance with suggestions furnished to the envoys. In no case was French blame or censure to be allowed, nor were charges of bad faith to be made against France. No engagements were to be made contradicting the provisions of treaties with other nations, nor was the United States to promise aid to France during the existing war. Lawful commerce was to be unrestrained; the agreement by which French consular courts had existed in the United States was to be rescinded; the treaty was to be limited to a period of from ten to twenty years; and finally, the envoys were recommended to study carefully the situation in France, which might to some extent change the character of the negotiations.

Instructions



Thos. Morris Esqr

Philada. Feby 24th. 1798

My dear Son

You will no doubt have heard of my being confined and I dare say your feelings will have been excited and drawn forth on the occasion it is to be sure an unpleasant, and unfortunate, and I may add an unexpected occurrence brought on me by a desire to procure for my family wherewithal to enjoy a little enjoyment. As events have turned up it becomes a duty to submit to fate, to meet the bad as well as the good with fortitude and to make the best of whatever happens, Thank God I can do all this my health is good, my spirits not broke, my mind sound and vigorous, and therefore I will do all I can consistently with principles of integrity to make the best of my affairs and extricate myself as well as I can. I have received your letter of the 25th of Jany and one other of an earlier date which I left at the Mills, in consequence of which I made an assignment of my Genesee property to Mr Fitzsimons, Mr Higbee & Robert, so far as to secure the payment of certain sums to the persons therein named, this Deed has been sent to you by Mr Fitzsimons in order that you might forward it to Ontario County to be recorded which I pray you to have done as soon as possible that so my good intentions may not be obstructed by any process that has been or may be instituted against me in your State. I hope Capt Williamson of yourself will upon the adjournment of the Legislature bend your course this way. We all long very much to see you in particular and shall also have much satisfaction in seeing him. I will however write to you again soon upon this point as I believe it may become a very interesting matter for you to meet, but if I am mistaken in this respect you will judge for yourself in the mean time I remain as ever your affectionate Father R

LETTER OF ROBERT MORRIS FROM A DEBTOR'S PRISON.

1797 Oct.

It was the 4th of October when the commissioners reached Paris, and found the Directory in power and Talleyrand minister of foreign affairs; two days later they were formally announced, and on the 8th they were presented to Talleyrand, who postponed the negotiations until he had completed a report on American affairs which he was to submit to the Directory. Talleyrand had lately been in America, and had conceived a great dislike to the country, which he believed to be wholly dominated by commercialism;[1] and with one or two members of the Directory it is probable that the plot was formed, to wring from this supposedly mean-spirited people funds for the Republic and for their private use. It was not long until rumors reached the three Americans that the Directory was greatly displeased by parts of the President's speech, and that an explanation would be demanded. It was intimated also that a public audience might not be granted until negotiations were completed, and that these would probably be conducted by intermediaries; in short, the envoys were being prepared for the blackmailing attempt that was about to be made upon them.

Talleyrand receives American ministers

Sets about blackmailing them

[1] This frequent slur from foreign critics was partly due to a wish that fathered the thought among aristocratic critics, and their concentrating excessive attention on that element, and ignoring the others, There were plenty of leading men both North and South as free from this taint as the haughtiest English peer or French *émigré;* but it did not suit complacent censors to perceive it. Further, in a growing country with a virgin continent to exploit, there was naturally more noisy speculation than in a settled old one, except when a brilliant new chance shone before the latter.

1797 Oct. On the 18th of October, a gentleman connected with a well-known business house called upon Pinckney, and informed him that a reputable man named Hottinguer had a message to communicate from the Minister of Foreign Affairs. That evening Hottinguer himself appeared, and explained that Talleyrand had a great regard for the Americans, and deplored the unfortunate relations then existing between the two countries,—relations that could be changed by the adoption of a certain plan which was then suggested. The Directory was very angry because of certain statements made by the President. For these an apology must be made, and afterward a loan granted to the Directory, and a smaller sum, £50,000, to the Directors. Upon these terms a treaty might easily be obtained and peace re-established. Not all of the Directory knew of the iniquitous scheme, some of them would have condemned it; but Barras was hopelessly corrupt, and Talleyrand was little better, though his basal motives were not usually mercenary. Barras about this time was offering to sell peace to England, and not long afterward exacted a loan from Holland.

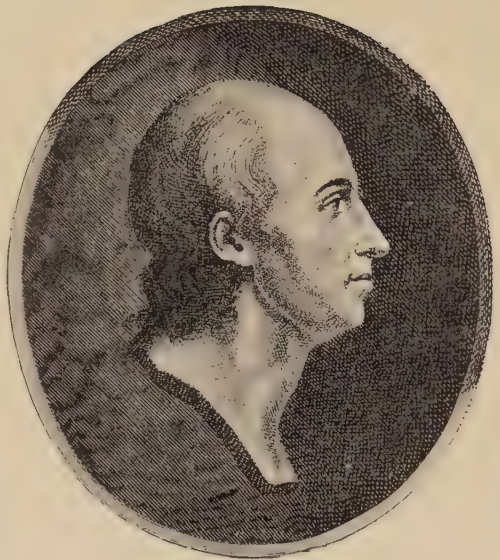
X. Y. Z. plot opened by X.

Its real heads

Pinckney was astounded, and declined to make any answer before the proposition had been passed upon by his colleagues. He insisted that Hottinguer should meet the three envoys together, and to avoid misunderstandings, that these extraordinary proposals should be in writing. Hottinguer did not pretend to know all the details of the plan, but he promised to introduce to the envoys a man

Its first reception

TALLEYRAND.



SIEYES.

BARRAS.

LEADING MEMBERS OF THE FRENCH DIRECTORATE IN 1799.

1797 Oct.

who enjoyed the full confidence of the Minister of Foreign Affairs. This confidential agent was one Bellamy of Hamburg,[1] who with Hottinguer met the envoys October 20, when the previous statements were submitted in writing as Pinckney had requested. Upon a formal disavowal of the sentiment expressed by the President, a new treaty would be made, which should contain a secret article providing for a loan to France. "You must pay money, you must pay much money," was the statement of Talleyrand's emissaries. The sum intended for the officers of government needed no explanation, and was equally an essential; and until these conditions had been complied with, the American envoys would not be received. Talleyrand professed to be ignorant of the probable attitude of the Directory towards the United States; desiring apparently to appear as a mediator, for a price, between the two nations.

Written demands of French agents

On the following day another interview was held. Talleyrand had been consulted, and expressed his appreciation of the difficulties in the way of a retraction of any part of the President's speech; but the Directory was obstinate and angry, and was likely to insist unless some means were found to appease the members. Bellamy could not officially say what these means were, but doubtless the envoys could discover them; privately he

Talleyrand around the corner

[1] In the dispatches laid before Congress, the secrecy pledged to these agents was respected: Hottinguer was represented by X., Bellamy by Y., and Hauteval, formerly resident in Boston, by Z. Hence the current term of the X. Y. Z. Mission. The real parties soon disclosed themselves by reason of Talleyrand's shirking the blame upon them.

1797

thought that money was needed, and while he was not certain as to the amount required, he would suggest that the matter of the loan be arranged by a purchase of Dutch inscriptions to the amount of 32,000,000 florins. They were then much below par, but would eventually be paid off at their face value. By this purchase the United States might serve France and make a respectable profit by the bargain. Again the £50,000 were demanded, for the personal use of the Directors and their friends who should bring about the peace.

Demands of X. Y. Z.

Later interviews with the agents, and one with Talleyrand himself, led to a repetition of the same proposals. The envoys urged the character of their instructions, and the complaints of the United States, only to be met with the charge that they and not France were the offenders; that a way had been suggested by which peace without humiliation might be made, but that the envoys had declined this generous offer. The victories of France and the punishment of her enemies were used to frighten the Americans into an agreement; many meetings were held, but the subject was the same, a demand for money. "You do not speak to the point," said Hottinguer at one of these interviews: "it is money; it is expected that you will offer money." "We have spoken to the point," was the reply; "we have spoken explicitly, and our answer is: No, not a sixpence!" Finally it was proposed that the payment for the Directory be made at once, and that one of the commissioners return to America to arrange for the loan. At the same time

Talleyrand backs them

American envoys peremptorily refuse

it was intimated that France would cease from capturing and condemning American vessels.

1797 Nov.-March

It was now the first of November, and the envoys were determined to bring their mission to some conclusion. A note addressed to Talleyrand upon the subject of their reception received no direct reply. The demands for a loan were renewed, as were also the threats of French vengeance, but with no result. The Americans were more determined than ever to bring their negotiations to an end; and in January prepared a memorial in which the history of the mission was given. The insults to the United States, especially the retaliatory measures of March 1797, were represented as grounds for the most serious complaints; an attempt had been made to secure peace upon the terms permitted by their instructions, but no results had followed. It seemed useless for them to remain longer under these circumstances, and Talleyrand was asked to furnish them their passports. This was not at all Talleyrand's notion. He had attempted in October to treat with Gerry separately, partly because of previous acquaintance, but chiefly because of the party to which Gerry belonged; and the final request of the envoys was made to serve this end.

American envoys recite story of mission

Insist on leaving

In March, Talleyrand's reply to the memorial appeared. In a tone of deep injury he explained the pacific intentions of the Directory. Their dispositions had been most conciliatory, but to their surprise they had found that the envoys were disposed to conceal the true state of affairs, and

Talleyrand's injured innocence

1798, etc.

represent France as the offender and not the injured party! Was this the conduct of a friendly nation? The courts of the United States were hostile to France, the papers controlled by the Cabinet had redoubled their invectives, pamphlets paid for openly by the British minister had been circulated, the President in his speech had denounced the Directory, and persons had been sent as envoys who were known to be unfavorable to France. So the minister of foreign affairs argued, despite the fact that one minister had been sent away, that the envoys had been kept waiting in the ante-rooms of a corrupt board and had been insulted by the proposition of open bribery. Within another month the passports were sent. Marshall returned at once to America; Gerry remained, partly because of Talleyrand's assurances that some agreement could be reached and that war might thus be averted. Pinckney retired for a time to the south of France, hoping to restore the health of an invalid daughter. Gerry disclaimed any authority to conduct negotiations alone, but was in constant communication with Talleyrand until the results of the mission were known in America.

Talleyrand's impudent inversion of facts

The envoys disperse

The regular session of the fifth Congress opened in Philadelphia November 22, but for a time no important business was transacted. Philadelphia was still suffering from the effects of the yellow fever; financial distress was wide-spread; there was stagnation in all forms of commercial intercourse. The President's message announced the arrival of the

New Congress

envoys in France, but expressed no opinion upon the result of the mission, except that no official act had been spared which might insure success. It was too much to hope that tranquillity and order would soon be restored in Europe, and security for American commerce obtained. It was necessary, therefore, for every possible exertion to be made for the defense of the country and the support of the United States among the nations. The progress of the various commissions authorized by the treaties with Spain and Great Britain was noted, together with recent depredations upon American commerce; and modifications of the existing laws were suggested by which some of these evils might be remedied.

1797–8

Adams' first regular message

When the Senate and House had finished their replies, and plans were making for the usual call upon the President, Matthew Lyon, whose republicanism was glowing at a white heat, again objected to the ceremony and also asked leave to remain behind. Again some members thought that he should be compelled to go; others that members should be free to go or stay; still others that Lyon be granted leave of absence for the day: but all agreed in killing the motion by which Lyon was to be specifically excused from the ceremony. For a month nothing more was heard of Lyon; but one January morning before the House was called to order, a discussion arose in which Lyon was talking loudly of the Connecticut members, claiming that they were in office for the salary and cared nothing for the wishes of their constituents. Lyon

Matthew Lyon breaks loose again

Foul imputations

1797 Dec. boasted that he could go into the State with a printing-press, and in six months turn such men out of office. "If you went, would you wear your wooden sword?" asked Griswold, who had heard the remark. Lyon ignored Griswold and went on: "I know them well. I have to fight them whenever they come into my district." "Do you fight them with your wooden sword?" asked Griswold. Lyon said nothing, but turned suddenly and spat in Griswold's face. At once "The House of Wisdom was in a Bustle." The two men grappled, but were separated by bystanders, while the Speaker called the House to order. Lyon apologized, but his expulsion was demanded. The required majority could not be secured, and the matter rested for a few days, when Griswold set upon Lyon again in the House but before the session began, and beat him severely with a heavy cane. This time the Speaker did not interfere, apparently enjoying the spectacle. An attempt was made to expel both men, but was reported upon unfavorably by a committee and voted down in the House.

Lyon-Griswold fight in Congress

Soon after the House assembled, the Quakers presented a petition against the evils of the day: the play-house, gambling, and drinking, but particularly against slavery. The Fugitive Slave Law had not put an end to the kidnapping of freemen of color, but had apparently increased the nefarious tribe of man-stealers. Local laws forbade or regulated the residence of free blacks within certain States; and one of these laws, that of North Carolina, was the chief cause of the petition. The

Quakers petition against "black law"

1797

Friends had liberated 134 slaves who had been reduced again to servitude because the law of the State forbade emancipation, an "abominable tragedy, which with similar acts in other States tended to bring down the judgments of a righteous God upon the land." When a second reading was proposed to refer the matter to the proper committee, a fierce attack was made upon the petition and its authors. It was not the first time that the Quakers had attempted to make trouble over the matter, said one of the Representatives from the South. They were constantly petitioning Congress to do this thing particularly forbidden by the Constitution. During the Revolution the Quakers had begun to free their slaves, which was stopped by the law of North Carolina providing that no man might set his bondmen at liberty except for "meritorious services acknowledged by a license of the court." When freed contrary to law, the person might be seized and sold as a slave. This was the statute; if the Quakers objected to it they might easily transport their slaves to Pennsylvania and then emancipate them.

Quakers denounced as meddlesome

Nor was there a man in North Carolina, said Macon, who did not wish that there were no blacks in the country. Slavery was a misfortune; personally he considered it a curse: but this was not the way to get rid of it. The sole object of the petition seemed to be to sow dissension. Nicholas had no fears of an investigation, for it would be an honor to persons holding slaves to have their property looked into. It was not to the interest

But slavery not yet ended

1797-8 Dec.–March

of slaveholders to cover up improper practices; and if it could be shown that the Fugitive Slave Law operated unjustly, the injustice should be remedied. Bayard objected that the memorial was not from an abolition society, nor did it seek to free the slaves; it came from a respectable, law-abiding people, and referred to freedmen. If the contents of the petition were right, it should be referred; if they were not, no harm could come from the reference. Finally the House agreed to the second reading, and referred the memorial to a select committee; which, after a conference with the petitioners, reported that the matter was properly the subject of judicial action, and recommended that the memorial be withdrawn.

Quaker memorial disallowed

Ever since the reported landing of the commissioners to France, there had been doubts, confusion, and misrepresentation in America upon the subject of the treaty. The Republicans were loud in their praises of France and denunciations of the government until March, when voluminous dispatches arrived. So unsatisfactory were the contents that the President announced the failure of the mission, and urged upon Congress the duty of preparing for war, which he thought to be not far distant. The Republicans had an answer ready for every charge against France; but the current of popular opinion was evidently against any further palliation of her offenses. Before the acts increasing the navy could be followed by others of a like nature, the Republicans introduced, March 27, through Representative Sprigg of Maryland,

News from France creates war feeling

1798 March–April

three resolutions: declaring war with France to be inexpedient, objecting to the arming of merchant vessels under circumstances other than already permitted by law, but providing for the protection of sea-coast and the internal defense of the country. The debate continued for the greater part of a week, the Republicans contending that the dismissal of a minister, captures without color of law, and insults to a special embassy, were not in themselves causes of war; that the resolutions sought to determine only the opinion of Congress as to the advisability of the United States beginning hostilities.

Republicans averse to war with France

To this the Federalists replied that it was not in the power of the United States to determine war or peace; the United States must resist or submit. The men advising submission and peace had recently been equally zealous for war. Their efforts had been to involve the United States in a contest on the side of the French Republic, and now they were for peace, not with all the world, but with France; they were counseling a servile and abject submission to one nation. All property beyond our territorial limits was to be left undefended, and five-sixths of the revenue abandoned for fear that, in defending it, offense should be given to the French Republic.

Federalist retort

On the 3d of April the debate was interrupted by the arrival of the translated dispatches. The House read and discussed them until the 6th, when it was moved to print 1200 copies for the use of the members. As soon as they were made public, the

X. Y. Z. dispatches received

1898 April

voice of the nation demanded the support of national dignity and honor. Men who did not admire Adams, who did not approve the Federalist policy, who were friendly to France, united with the Federalists to demand retaliation for the insults that had been heaped upon the United States. The President was overwhelmed with memorials and addresses, to all of which he laboriously drafted replies. Twelve hundred young men of Philadelphia went black-cockaded in procession to assure him of their support, and saw with infinite delight that Adams himself was wearing the badge of resistance to France. A popular actor scored a mighty hit by singing a new song by Joseph Hopkinson, to the tune of "The President's March," words and music since famous under the name "Hail Columbia." "Adams and Liberty" was equally popular, and a public gathering was not successful unless some patriotic demonstrations were made. Volunteer companies were formed, seaport towns made offers of ships and sailors, the militia began to meet regularly, and on every side was heard the famous remark "Millions for defense, but not one cent for tribute." The national holiday was celebrated as it never had been before; and two days later the warlike spirit of the nation was further encouraged by the news that the elder Decatur, in command of the *Delaware,* had captured a French privateer, winning the first victory for the "rising navy of America."

X. Y. Z. dispatches raise war fever

"Hail Columbia"

Sea war with France begun

The Republicans met the wave of warlike enthusiasm as best they could. There were riots and

1798 April–July

disturbances in New York, when partisan bands met in the streets and tried to tear off the cockades. From one public meeting a duel resulted, in which Brockholst Livingston killed his opponent. Liberty poles were again set up, Adams was burned in effigy now and then, and ridicule was tried when argument had failed. Only the blindest of partisans pretended to support the conduct of France; but there were many who saw more or less plainly the true situation, that the reception of the envoys and the demands for a tribute had been the work of a few men, and did not represent the opinions of the entire Directory and much less those of the French people.

Public turmoil over French question

Congress had dropped the Sprigg resolutions upon receiving the dispatches. Laws were now passed for the purchase of military stores and the equipment of new vessels, and a provisional army of 20,000 men was authorized. A new Cabinet position was created, that of Secretary of the Navy, and filled by the appointment of Benjamin Stoddart of Maryland. To meet the expenses of the new establishment and provide for the additional land forces, the President was authorized to borrow $5,000,000 and a direct tax was laid upon houses and slaves. Until the adjournment of Congress, July 16, acts were passed in rapid succession looking to a vigorous defense. Commercial intercourse with France was suspended June 12; and later in the month, merchantmen were authorized to defend themselves against attempted aggressions from French vessels. By the end of June

War preparations vigorously pushed

Intercourse suspended

1798 June–July

nearly three-quarters of a million had been subscribed for the purchase of additional ships of war, and commanders of war vessels were authorized to commission privateers. The three frigates *Constitution, United States,* and *Constellation,* with two new sloops and several cutters, were ready to sail or at sea before the middle of July. Among the new officers of the new navy, destined to win distinction or secure valuable training for later service, were Charles Stewart, Isaac Hull, John Rodgers, William Bainbridge, and the younger Decatur. The regiments of the army already existing were augmented, and twelve additional regiments of infantry and six troops of dragoons were created. The regular army would then consist of 13,000 men, commanded by two major-generals, four brigadiers, and an inspector-general. The *Aurora* having published Talleyrand's letter offering to treat with the envoys, before a copy of the same letter reached the government, 10,000 additional copies of the whole correspondence were presently circulated, to remove any impression that might be made by Talleyrand's proposition and the method of its publication.

The new navy

Army increase

X. Y. Z. correspondence circulated

On the 16th of June Marshall returned from France, with the first dispatches describing the reception of the envoys. Marshall was received in great state at Philadelphia, and a dinner was given in his honor by the leading Federalists. June 27 the President announced to Congress Marshall's return, Talleyrand's proposal to treat with Gerry, and Gerry's refusal and recall. Adams concluded

Marshall's return

the message with these words: "I will never send another minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, independent, and powerful nation." 1798

Had the Federalist majority in the fifth Congress been content to reap an ordinary harvest from the change in public opinion, the downfall of the party might have been deferred; but no sooner did they feel a strong popular support at their backs than they began a series of political enactments for the destruction of their political enemies. The evils which these laws aimed to correct were apparent enough and dangerous enough; unfortunately they were evils common to both parties, while the remedy was intended to be applied to but one. The result was that while other grievances may have been weightier, the opposition seized upon the Alien and Sedition laws, raised the cry of free speech and a free press, always powerful among English-speaking people, and caused these measures to react powerfully against their authors. The government, said one keen and interested observer, must go on and give the tone by rising as the public mind is prepared to receive strong sentiments. War against France seemed to be the only safeguard against French intrigue and internal faction; and now that war seemed probable, indeed may be said to have begun, there remained only to set up and in motion the machinery to crush internal dissension. The Republicans were the party of disorder and anarchy, said the

Federalist wrest law-making to party use

Pass boomerang laws

Feel themselves the only patriots

1798

Federalists. They opposed the Constitution before its adoption, opposed the measures for establishing public credit, opposed necessary loans for taxation, and brought about the insurrection in Western Pennsylvania; all of their acts and opinions are French in form and application; therefore it is but natural that they should seek to establish in the United States the same system that has drenched France with blood.

Federalist party spirit and over-confidence

The President's firm stand was somewhat unexpected, and added greatly to Federalist confidence. As one of the leaders put it: "Since man was created and government formed, no public officer has stood higher in the confidence and affection of his countrymen than the President does now." Alas that this confidence was to be so soon shattered!

The purposes of the Federalists were not long concealed. Jefferson writing to Madison April 26 said that many of the Republican leaders had left Congress, and that the new war party could pass whatever laws they pleased. "One of them, in a fit of unguarded passion, declared some time ago that they would pass a citizens bill, an alien bill, and a sedition bill." It was believed, and rightly, that these were aimed at Republican sympathizers and editors, men like Volney and Bache, who were held in especial execration. The subject of Naturalization was introduced in the form of a resolution in the House on April 17; the Alien bill followed in the Senate April 25, and the Sedition bill June 26. As to the first, a committee report dated the

Alien and sedition laws mooted

8th of May suggested these changes in the old law: a longer period of residence, the reporting and registration of aliens upon their arrival in the United States. Ten years was the shortest time that could with safety be prescribed as a training for citizenship, and even this provision failed to satisfy the radicals. The time had come, said one of the Federalist leaders, to declare that nothing but birth should entitle a man to the privilege of citizenship; the United States had had experience enough to cure them of the folly of believing that the strength and happiness of the country would be increased by admitting as citizens the crowds of foreigners then flocking to their shores. All other advantages might be opened to them, they might be encouraged to bring up citizens, but citizen rights should be withheld from all men not born in America. Others proposed that no one but an American born should hold any office of honor, profit, or trust under the government.

1798 May–June

Federalists against aliens

Would debar them from citizenship

Both of these proposals were regarded by the opposition as virtual attempts to amend the Constitution by law; and moreover, the Blount impeachment had led to some doubt as to who were officers within the meaning of the act. Not many of the House were willing to go to such an extreme as had been proposed; wiser views prevailed; and as the act finally passed, aliens who had resided in America since 1795, the date of the first law, might take advantage of its provisions at any time within a year, becoming citizens after five years' residence. For all others a residence of fourteen

More moderate views dominate

1798 June

years was required, and a declaration of intention five years before the process of naturalization was complete. Citizens of a nation at war with the United States could not be naturalized during the war; and all alien immigrants were to be reported, upon landing, to the collector of the port, or the clerk of the nearest district court. Aliens already resident were to file reports containing personal information within six months after the passing of the act, and were to be granted a certificate of registration. Persons neglecting to secure this certificate might be fined two dollars for each month's neglect, might be held to bonds by a magistrate, or might be confined in the jail if they were considered sufficiently dangerous.

Severe naturalization law

As might have been expected, the law increased the dissatisfaction of foreigners who hoped to become citizens, tending to force them from the country, or to drive them to that party which promised opposition and eventual repeal of the obnoxious law. Instead of stopping with this measure, extreme enough in itself, an alien bill followed which provided that alien enemies—that is, citizens of countries at war with the United States—might after proper notice be restricted in their conditions of residence or deported. A similar act regulating the conduct of alien friends was even more objectionable, since the necessities for it were not so great. By its provisions the President might cause to be removed any aliens whose presence he deemed dangerous to the country, by reason of their influence or their connection with treasonable plots.

Helps build Republican party

Law for deporting aliens

1798 June–July

For disobedience, the penalty was a fine and imprisonment for a period not exceeding three years, nor could the offending person ever be admitted as a citizen of the United States. The President could grant a license to reside in any part of the country upon satisfactory security that the privilege would not be abused. The lifetime of the act as passed was for two years only. The bill as proposed originally was far more severe, providing a penalty of life imprisonment for any alien who returned after being deported, and rendering any one liable to fine and imprisonment for harboring or concealing an alien.

Severe alien law

The crowning mistake of the Federalists was the Sedition law, enacted to meet opposition from within now that outside enemies had been disposed of satisfactorily. Such a bill had long been expected; for there were rumors of plots against the government, of conspiracies to bring in French armies; there were seditious speeches in the House, and a whole tribe of venomous editors that must be crushed. A sufficient example of the terror pervading the ranks of the Federalists, and the extremes to which their suspicions led them, is shown by the story of some French pamphlets which were harmless enough in themselves, but were unfortunately sent out from the French foreign office. This alone was an indication of hidden treason; and moreover they were addressed to Bache and Genet, and other well-known French sympathizers. Evidently these packets were worthy of investigation by the government, and

Sedition law designed

Federalist delusions

1798 June–July

they were examined by Pickering and Wolcott before being sent to their destination. Meanwhile, a report based upon the addresses on the packages was in circulation, to the effect that the writer of the *Aurora* was in treasonable correspondence with Talleyrand. That there was some ground for the belief cannot be denied; for Talleyrand's letter to Gerry, proposing to treat with him alone, had been published by Bache in advance of its reception by the State Department. In this case, however, nothing more serious than the two harmless publications could be found, and Bache proclaimed loudly that the incident showed a conspiracy to ruin him—a conspiracy discovered by chance; that the mails were opened by officers unknown to the Constitution, mere creatures of the President; that personal liberty no longer existed.

Federalist canard

The Sedition bill was proposed by Senator Lloyd of Maryland, and as introduced was far more stringent than in the final form. It declared that the people of France were the enemies of the United States, that adherence to them and giving them aid and comfort was an offense punishable with death; failure to denounce treasonable practices was made a crime, and to write, print, publish, or speak in justification of the conduct of France, or to injure the government by any statement which could induce the belief that public officers were influenced by motives hostile to the Constitution or the happiness of the people, might be punished by fine and imprisonment. A more effective gag-law has never been proposed. Had the

Sedition law introduced

1798 July

bill passed in this form, it would have been impossible to express any criticism whatever of the government; and when the Republicans called the bill a disgrace, they were told that this statement was an evidence of a seditious disposition. Indeed, one of the members of the House confessed that the object of the bill was to lessen the influence of the opposition by preventing their speeches from reaching the public. "Let us not establish a tyranny," said Hamilton when he heard of the bill; "energy is a different thing from violence." It was not an easy matter to convince the Senate that the bill was not needed for the salvation of the country, which they held to be synonymous with their own continuance in power.

Sedition law—its objects

On the 5th of July the bill as amended in the Senate was sent down to the House, where the first speech in favor of the measure was an attack upon Republican newspapers and the *Aurora* in particular. The latter, said the speaker, was endeavoring to persuade people that peace with France rested in the hands of the United States; that France desired peace. Even members of the House had been guilty of similar seditious utterances. Had not the *Aurora* of June 28 said: "It is a curious fact, America is making war with France for not treating, at the very moment the Minister of Foreign Affairs fixes upon a day for opening negotiations with Mr. Gerry? What think you of this, Americans?" The *Time-Piece*, referring to Adams, used these words: "When such a character is jostled into the chief magistracy by the ominous

Goes to House

The animus shown

1798 July

combination of old Tories with old opinions and of old Whigs with new, 'tis fit this mock monarch with his court composed of Tories and speculators should pass in review before the good sense of the world." Did gentlemen suppose that liberty of the press could authorize such publications? Such a law, said Macon, was clearly unconstitutional and would force men to combine for self-protection. Another member asked why a certain British printer (Cobbett) was not named. Surely apt quotations could be found in his publications. He was a subject of King George and generally supposed to be in the pay of the British minister, but published more libels and lies than any printer in the United States. "The object of the bill," said Gallatin, "is to punish men who do not believe in Federalist doctrines and who dare to express their opinions. The administration is afraid that error cannot be successfully opposed by truth." Thus the debate ran on until July 10, when the bill became a law by a majority of three—so slight as to make its enforcement the extreme of party folly.

Debate on Sedition Act

Bill passed

The law, which was to expire with the next Congress, made it a high misdemeanor "unlawfully to combine or conspire with the intent to oppose any measures of the government of the United States directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding office from executing his trust, or to commit, advise, or attempt to procure any insurrection, riot, or

Provisions

unlawful assembly." For a violation the penalty was a fine not to exceed $5000, and imprisonment from six months to five years. Another section imposed a fine of not more than $2000 and imprisonment for not more than two years for any false, scandalous, or malicious writing against the government, either House of Congress, or the President, with intent to defame them, to bring them into disrepute, to excite against them the hatred of the good people of the United States, to stir up sedition, to excite an unlawful combination for resisting a law or a lawful act of the President, or to encourage any hostile designs of any foreign nation against the United States.

1798 July

Provisions of Sedition Act

Every one knew that the bill was not aimed at sedition in general, but only against that particular form which the Republican party believed. Hamilton's warning passed almost unheeded; and the result predicted—namely, that the opposition would be strengthened and solidified—was speedily realized. The conspiracies so greatly feared were the hallucinations of an overheated imagination. There was not the slightest proof that any of them had ever existed. The Sedition Act conflicted with another important article of Republican belief, the limitation of the jurisdiction of the Federal courts. The party had always held that the Federal courts could take cognizance only of crimes especially mentioned by the Constitution, that common-law offenses were triable only in the State courts. On the other hand, libel was a common-law offense, and the Federalists contended that the Federal

Real purpose

Legal aspect

courts had proper jurisdiction over crimes of this sort.

Federalist's suicidal success

On July 16 Congress adjourned, after preparing for war and indeed beginning it, but without formal declaration. Enemies within the country were driven away or restrained, and it seemed that at last sound Federalist doctrine was to prevail. The party had, however, touched the highest points of its prosperity. The descent was easy and surprisingly rapid.

CHAPTER LIX.

OUSTING OF THE FEDERALISTS

1798

Even before the adjournment of the second session of the Fifth Congress, President Adams had begun to fill the positions created by the acts augmenting the regular forces and establishing a provisional army. Washington was called to the first place by the unanimous voice of the people, and for him a new rank, that of Lieutenant-General, was created. Hamilton had informed Washington in May of the intended appointments, and Adams had been invited to Mt. Vernon for such consultation upon army matters as might be advisable, while inspecting the new Federal City slowly rising from the Potomac marshes. The President found it impossible to accept; but, Washington's nomination formally made, his commission was soon delivered by the Secretary of War, and with it went an apology from Adams for the apparent haste of the appointment and a list of possible appointees to the more important offices, with a request for Washington's advice.

Organization of the army

This was not the only message of which the Secretary of War was the bearer. Hamilton aspired to be second in command, and had already informed Washington of his desire, which was seconded by Wolcott and Pickering. Pickering

Hamilton's ambition

1798

had suggested also that the Commander-in-chief should so word his acceptance that Adams would have no alternative to Hamilton's appointment. Without reference to subordinates, Washington accepted in a public letter, in which, after commenting upon the conduct of France, he approved the "wise and prudent measures of the administration," and expressed the belief that that Providence which had so often favored the United States would demonstrate the justice of the present cause. At the same time a verbal message by the Secretary of War expressed Washington's acceptance of the office upon two conditions: first, that the line and staff officers should be men in whom he could confide; and second, that he should not be called upon to take the field until a sufficiently urgent reason arose.

Washington accepts command of the army

That Washington should prefer Hamilton as his second was not strange. He had learned in his first administration to rely almost solely upon Hamilton's judgment; and moreover, his choice was that of the majority of influential Federalists. The new commander was inclined to accept the opinion of the Cabinet that Adams was not a man to be trusted in military matters; and the judgment does not lack plentiful justification when we remember Adams' performances on the War Board in the Revolution, and how it had tied Washington's hands and injured the army. Thus it happened that the Commander-in-chief was moved by military and personal reasons; Hamilton by a not unworthy ambition for military

But prefers Hamilton as second

fame and a beneficent dictatorship; the Cabinet by a desire to relegate Adams to the second place in the party; and that a combination of these motives widened the breach already visible between the Chief Executive and his official supporters. 1798

On the day after Congress adjourned, the Senate convened for a short executive session. The President submitted the names of Knox and Charles C. Pinckney to be major-generals, and Hamilton to be inspector-general with the rank of major-general; nominations which the Senate at once confirmed. Jonathan Dayton, lately Speaker of the House, and William S. Smith, were named for the office of brigadier-general; but the latter was the son-in-law of President Adams, and as he had recently failed for a large amount under circumstances not altogether creditable, the Senate refused to confirm the appointment. William North, recently a Senator from New York, was chosen adjutant-general with the rank of brigadier; and General Brooks of Massachusetts, with William Washington, were presently appointed to the same rank. Among the officers of the provisional army were Major-Generals Hand and Henry Lee, with the new brigadiers Huntington of Connecticut, White of New Jersey, Davie of North Carolina, and Sevier of Tennessee.

New officers of the regular army

Provisional army

When the Senate adjourned in August, President Adams retired to Quincy, leaving the active management of the government in the hands of the Cabinet, whose loyalty he had not yet begun to suspect. While he was at Quincy a bitter dispute

1798

arose over the ranking of the new appointees. During the Revolution Hamilton had ranked as a lieutenant-colonel, Pinckney as a brigadier by brevet, while Knox was chief of artillery and a major-general. By the usual rules of military precedence, Knox would have been Washington's second in command; moreover, Knox was from New England, and sentiment there was strongly in his favor. Adams respected Knox, and disliked Hamilton, whom he styled "a foreigner, a man of low rank in the army, of no popularity in America,—a man whose merits were as much disputed as those of Calvin." Adams proposed to put Knox in first place: but the Cabinet under Hamilton's direction urged Washington to interpose; while McHenry, Secretary of War, wrote letters to Adams of Hamilton's own composition, which were intended to reconcile Knox to the new order. The President had by this time scented the intrigue, and proposed to issue the commissions on successive days to Knox, Pinckney, and Hamilton; but Hamilton declared in private conversation that he would refuse the commission, Pickering proposed a fiery remonstrance to be signed by all the Cabinet, while Wolcott tactfully persuaded Adams to alter his resolution. Moreover, Washington stated his preference for Hamilton in terms so strong that Adams could but agree. Hamilton was given the rank he so much desired; Knox refused to serve; while Pinckney, laying aside all personal feeling for the sake of helping his country, accepted the second place.

Dispute over precedence

Intrigue for Hamilton

Carries the day

1798

Adams grows averse to the army

From this time on the President's interest in the army declined. He signed commissions in blank to be filled by others, and began soon afterward to express an unfavorable view of the military establishment,—which, to be just, he had always dreaded and disvalued. In a letter to McHenry he said: "One thing I know, that regiments are costly everywhere, and more so in this country than in any other under the sun. If this nation sees a great army to maintain without an enemy to fight, there may arise an enthusiasm that seems little to be foreseen. At present there is no more prospect of seeing a French army here than in Heaven." While the President's fire was waning, the enthusiasm of the ultra Federalists was at a white heat, by reason of the possible success of a plan which promised much advantage and more glory. The secret was not fully known to Washington or to Adams, though each understood the important features of the scheme; which was nothing less than the revival in another form of the much-discussed, often-planned descent upon the North American territories of Spain. The men chiefly interested were members of the British and American Cabinets, Rufus King the American minister to London, Secretary Pickering, Hamilton, and General Miranda, who was still casting about for means to accomplish his favorite project.

Federalists plan a descent on the Spanish colonies

To effect a revolution in the Spanish-American states, and to set them successfully upon their way as independent nations, a joint expedition was to

1798

be prepared, for which England was to furnish the transports and war vessels, while the United States supplied an army to be commanded by Hamilton. If the plan succeeded, the United States was to have the Spanish territories east of the Mississippi, Great Britain a vastly augmented West Indian trade and a foothold on the Isthmus. In October of 1798 Miranda announced that nothing was lacking but the word of the President; but that was never given, for Adams was no more favorable to foreign conquests than to foreign alliances, and the project was abandoned so far as the United States and England were concerned.

The invasion abandoned

Among the other events of the summer of 1798 was the appropriation by New York of $1,200,000 for the fortification of the harbor, a sum which was credited to the State as part payment of her Revolutionary debt. The lines of the treaty of Holston were finally completed, and it was found that lands already occupied were rightfully the property of the Indians. An attempt to remove the settlers was not likely to succeed; therefore the nations were induced, by the treaty of Tellico which was signed in October, to cede the lands for a considerable money payment, and to grant a free passage through their territories to intending colonists. An act of April 7, 1798, appointed a board of three commissioners to meet a similar body appointed by Georgia to determine contested claims within the State. The same act erected the Territory of Mississippi and defined its

The territory of Mississippi erected

boundaries. The government was to be like that of the Northwest Territory, with the exception of the provision against slaveholding, though the foreign slave trade was prohibited. 1798-9

In June, William Henry Harrison became secretary of the Northwest Territory, in place of Winthrop Sargent who was appointed governor of Mississippi. On the 29th of October, Governor St. Clair issued a proclamation in which he directed the qualified voters to hold an election in the counties in December, to elect representatives to a General Assembly which was called for January 22, 1799. When the Assembly met ten names were selected, from which the President was to choose the council of five; whereupon an adjournment followed until the next September. On the 16th of that month the members began to gather at Cincinnati; but it was not until the 24th that the two sections of the Assembly were properly organized. Early in October, the Territorial Legislature elected to Congress William Henry Harrison, the recently appointed secretary, by a single vote over Arthur St. Clair, Jr., his opponent. Already the Republican leaven was beginning to show its presence in the West. In October, also, the boundary commission under Jay's treaty had decided that the Passamaquoddy River was the true St. Croix; led thereto by the discovery of the ruins of a fort built nearly two hundred years before at the mouth of the river by the French. The eastern branch of the river was declared to be the main stream, and the disputed territory was divided impartially.

Elections in the Northwest Territory

Eastern boundary of the United States

1798

The Sedition law

The Sedition law had in theory been directed against the virulent abuse and calumny which teemed in the newspapers of the time to a degree that would not be tolerated now. Had the law been intended to work a thorough reform, the Federalist papers must have suffered equally with those of the opposition; but the object was not so much the correction of an abuse as the complete restraint of political opposition, and the severe punishment of Republican attacks upon the Federalists. From the first, Matthew Lyon was a marked man. He had long been regarded as the typical American *sans culottes;* and his somewhat noisy and ostentatious democracy, his wholesale condemnation of simple ceremony and moderate state in the which the soul of Federalism delighted, completed his ruin. Before the bill became a law, Lyon had remarked that he would be the first victim; for the covert attacks upon him which had preceded the Griswold affair were renewed. That Lyon was not averse to martyrdom is true also, since he abated no part of his attacks upon the government.

Strikes Matthew Lyon first

Two weeks before the final vote was taken upon the sedition bill, Lyon had written a letter addressed to his constituents in Vermont,—a letter no worse than many appearing regularly in the papers, and in its malice and effect not to be compared with that pamphlet of Hamilton's which blasted the second-term fancies of John Adams. The writer, commenting upon the President's conduct, said "that every consideration of the public welfare was swallowed up in a continual grasp for

Lyon's criticism of the President

power, an unbounded thirst for ridiculous pomp"; that men of merit were put out of office for "independency of sentiment," while men of mean abilities were put in because they would vote as they were directed; and finally, alluding to the recently proclaimed fast, that "the sacred name of religion was made a state engine to make mankind persecute and hate each other." Again, at a political meeting Lyon had read a letter from that Republican epic poet Joel Barlow, and later had been concerned in the publication of the same letter, in which the writer had attacked Adams vigorously, and accused Washington of forcing Jay's treaty upon the people by an influence which contrasted strangely with the known "weakness of his political talents." Barlow also expressed surprise that the House had not answered President Adams' criticisms of France by an order "consigning him to a mad-house."

1798

Joel Barlow's attack on Adams

For these offenses, Lyon was indicted, convicted, fined one thousand dollars and imprisoned for four months. Perhaps he might have fared better had he not attempted to manage his own defense. Judge Patterson, who conducted the trial, refused to allow Lyon to challenge any of the jurors, and these had been selected by the United States marshal. Besides, he frequently berated the accused for his ignorance of the law; while Lyon put the judge on the stand and endeavored, though vainly, to make him admit that he had seen at the President's table the outward forms of monarchical opinions and tendencies. Lyon was

Lyon convicted

Severely treated

1798-1801

confined in a dirty, ill-warmed, ill-ventilated jail at Vergennes,—a jail by no means worse than the average, perhaps, but bad enough to have ruined the health and broken the spirit of any one but the irrepressible Irishman.

For associates he had the criminals of the country-side; and the marshal used every opportunity to make Lyon feel the heinousness of his offense. Once his friends and neighbors gathered to pull down the jail and release him by force; but he succeeded in getting them to give up their designs, saying that the law had put him there, and only legal means should be used for his release. A petition for his pardon was presented to Adams by a number of prominent Vermont citizens; but the President, on learning that Lyon himself had not signed the petition, denied the request with the remark, "Penitence must precede pardon." Lyon had in the mean time been re-elected to Congress, and his release from jail was made the occasion of a public rejoicing. At a great gathering of his friends, the amount of his fine, collected from his sympathizers in Virginia, was solemnly paid over; and the late victim, greatly magnified in importance by his punishment, was drawn away in a gaily decorated four-horse sleigh to the seat of Congress. When he reached Philadelphia an attempt was made to expel him from the House; but the vote stood forty-nine to forty-four, and for expulsion a two-thirds vote was necessary. In 1801 Lyon disputed with Bayard the credit of making Jefferson President; in the same year he removed

Petition for Lyon's pardon

Lyon re-elected to Congress

His later life

to Kentucky, and from that State was elected to four Congresses. He opposed the embargo, lost his seat in Congress, lost his fortune by reason of the embargo and the war, and at last in old age removed to Arkansas, where he was again elected to Congress, but died in 1822 before he could take his seat. 1798

While the proceedings against Lyon were in progress, the leaders of the opposition were concerting measures to defeat the Federalists by exposing the unwise and unconstitutional character of the Alien and Sedition laws. Petitions containing hundreds of names came from the States. Grand juries and other bodies presented resolutions; and the little group of Virginia politicians of which Jefferson was the centre prepared an attack, by no means new in form, through the State legislatures.

Petitions against the Alien and Sedition laws

The Republicans believed that these Federal enactments were experiments to determine how far an avowed violation of the Constitution could be carried. Jefferson feared, or affected to fear, that the presidential term would be changed to a life tenure, the office be made hereditary in the Adams family, and the members of the Upper House be made Senators for life. At first he was undecided what course to pursue, but finally expressed his conclusion in these words: "For the present I should be for resolving the Alien and Sedition laws to be against the Constitution and merely void, and for addressing the other States to obtain similar declarations. I would not do

Jefferson advises moderation

1798

anything which should commit us further, but reserve ourselves to shape our future measures or no-measures by the events which may happen."

The Kentucky Resolutions

After consultation with John Breckenridge and Wilson Cary Nicholas, and possibly with Madison, a series of resolutions was agreed upon and adopted by the Kentucky Legislature in November of 1798; to be followed by similar resolves of the Virginia Assembly, prepared by Madison and introduced by that staunch Republican and political philosopher, John Taylor of Caroline.

The compact theory

The nine resolutions of which Jefferson was the author affirmed that the principle of the American Union was not unlimited submission to the general government, but was a compact; that the States had delegated certain definite powers, reserving the residuary mass of rights; that whenever the general government assumed unauthorized powers, its acts were without authority, void and of no force. The government created by the compact was not the exclusive or final judge of the extent of the powers delegated to it, but each party to the agreement had a right to form its own judgment. The next five resolutions pointed out the ways in which the obnoxious acts violated the Constitution,

Implies right of mutual judgment

the seventh was an able definition of the extent and application of the "general welfare" clause, which was held to be subsidiary to the execution of limited powers only.

The eighth article, as Jefferson wrote it, proposed to communicate the resolutions to the legislatures of the several States, assuring them of the

1798

attachment of Kentucky to the Union, and the intention of remaining faithful to the compact according to the plain and evident meaning of it. "This commonwealth is determined, as it doubts not its co-States are, to submit to undelegated and consequently unlimited powers in no man or body of men on earth." In cases of an abuse of delegated powers, since the members of the general government are chosen by the people, a change by the people would be the constitutional remedy; but in cases of the assumption of undelegated powers, a nullification of the act should follow, since every State possessed the right to nullify within its own limits all assumptions of power not within the compact. The Kentucky Legislature was not willing to go to the full length of the theory proposed by Jefferson. A part of the eighth article was incorporated in the ninth of the Kentucky resolutions; and after passing the regular course, they were transmitted to the legislatures of the other States.

Jefferson asserts the right of nullification

Which Kentucky hesitates to adopt in full

The Virginia resolutions were the work of the more cautious Madison, but in tone they were no less firm. Virginia was resolved to defend the national and State constitutions; avowed her attachment to the Union; and charged the general government with an attempt to enlarge its powers by forced constructions of the Constitution, and to consolidate the States by degrees into one sovereignty, of which the obvious and inevitable consequence would be, to transform the Republican system of the United States into an absolute or at best a mixed monarchy. Virginia protested

Protest of Virginia

1798

against the infraction of the Constitution by the Alien and Sedition laws: "the first of which, by uniting executive to legislative and judicial powers, subverted the general principles of free government," while the second acted in a manner expressly and positively forbidden by one of the amendments to the Constitution, since it attacked the liberty of the press. Finally an appeal was made to the other States to concur with Virginia in declaring these laws unconstitutional, and to co-operate with her in "maintaining unimpaired the authorities, rights and liberties reserved to the States and to the people."

Virginia appeals to the other States

It has often been contended by apologists for Jefferson that he did not mean what he said. It was true that Jefferson was a great political leader, and that these resolutions are those of the politician rather than the constitutional lawyer. In this respect they differ widely from the Virginia resolutions, for political heresy can only be inferred from Madison's work. But Jefferson was deeply in earnest; he believed that the fundamental principles of personal liberty and the American government were seriously endangered; that the Federalists were engaged in systematically undermining the government in order to replace it by something far stronger, and that they would doubtless succeed if not soon arrested. Jefferson was in part mistaken, in part misunderstood, in the means that he proposed: for it is true, at least from the standpoint of the *doctrinaire,* that if a State can set aside an unconstitutional law, it can

Jefferson's sincerity

His fallacy

also set aside one that is constitutional; if it is sovereign in one respect it is sovereign in all. Jefferson himself changed his opinions in later years, and he never claimed the broad field of 1798 for the exercise of the will of the States. In 1823 he wrote, "The ultimate arbiter is the people of the United States, assembled by their deputies in convention at the call of Congress or of two-thirds of the States." It must not be forgotten, too, that the Virginia and Kentucky resolutions owed not a little of their fame to the prominence of their authors, and particularly to the part that they played later in the formulation of Calhoun's dangerous thesis.

1798 et seq.

Foundation of Calhoun's thesis

That the opinions of Jefferson, Madison, and their associates of the programme of the ultra Federalists were not without some foundation, may be seen from a remarkable letter written by Hamilton to one of his brigadier-generals, Jonathan Dayton, soon after the appearance of the Kentucky and Virginia resolutions. These Hamilton condemned because they tended to unite the States in opposition to the government; and he urged the Federalists who controlled the Executive, the Legislature, and the Judiciary to surround the Constitution with more ramparts. He would so extend the Judiciary that the States might be divided into small districts; would have government officials in every county in every State, to see that local magistrates did not obstruct the working of the laws; the Constitution should be amended so as to allow the breaking up

Hamilton against the resolutions

Advocates centralization

1799 et seq.

of the larger States, and thus remove a source of danger to the government. The aliens should be sent away, and all writings which were libelous by the common law should be triable by the Federal courts when they were directed against Federal officers.

Source of the resolutions

The Kentucky and Virginia resolutions were formal statements of opinions which had been expressed in county meetings and other gatherings of the people. These had been sent in the form of resolutions to the State legislatures, which replied by the famous documents of 1798 and 1799. That the Alien and Sedition laws were strongly opposed in other States may be inferred from the rapid change in political majorities, but it is extremely uncertain how much of this change was due to the action of Virginia and Kentucky. Madison only hinted at a solution when Jefferson boldly proposed one, but for the most part the replies of the States condemned the suggestion.

Replies of the northern States

North of the Potomac the Federalists were at this time greatly in the majority. State after State passed resolutions in reply to those of Kentucky and Virginia, and the tone was uniformly hostile. Vermont answered that the doctrine of Kentucky, that the old Confederacy had been formed by the State legislatures, was not true; and, if it were, the source of the new Constitution was a higher authority, the people. New Hampshire asserted that the State legislatures were not the proper bodies to pass upon the constitutionality of a law; but if for purely speculative reasons the State

Vermont and New Hampshire

were called upon to express an opinion upon the Alien and Sedition bills, both would be declared constitutional. Connecticut believed that any attempt to combine the State governments in order to control the policy of the United States was in itself unconstitutional, and led directly to anarchy; Rhode Island, that the blending of legislative and judicial powers contemplated by the resolutions would in itself be an infraction of the Constitution, as well as a usurpation of functions properly entrusted to the Supreme Court.

1799 et seq.

Connecticut and Rhode Island

Massachusetts Federalists endeavored to make their disapproval as complete and thorough as possible. There was but one Republican in the Senate; and his speech, though a moderate and able one, resulted only in a more vigorous attack of the opposition. The report united with that of Rhode Island in declaring the incompetence of State legislatures to judge Federal acts. The constitutional plan offered a sufficient remedy, while the Virginia method would reduce the Constitution to a mere cipher. Not only were the Alien and Sedition laws constitutional, but they were expedient and necessary; and in the words of one of the Federalist papers, "any one who disbelieved this doctrine was worse than an infidel." The temper of the people about Boston was shown conclusively by the mobbing of two of the Republican leaders, and by a prosecution begun against the editor of the leading Republican paper for what was really no more than a sharp and natural criticism. Delaware pronounced the resolutions

Massachusetts intolerant of the compact doctrine

Delaware

1799 et seq

to be "unjustifiable interference with the general government, of a dangerous tendency, and not a fit subject for the action of the General Assembly"; New Jersey definitely disapproved, after a constitutional amendment had been proposed which should define exactly the powers of the general government; New York through the legislature disapproved by a vote of fifty to forty-three.

New Jersey and New York

In Pennsylvania the subject was more thoroughly and widely discussed than elsewhere. The *United States Gazette* denounced the Kentucky resolutions as an "abominable speech distinguished no less by the depravity of its sentiments than by its desperate folly." Cobbett characterized the Virginia measures as the "most seditious that ever a factious assembly had the impudence and folly to sanction." The legislature asserted the opinion that the right of final judgment of the constitutionality of a law rested with the Supreme Court. Maryland believed the Kentucky resolutions "highly improper and not to be acceded to"; and in reply to those of Virginia, said, "A recommendation to repeal the Alien and Sedition laws would be unwise and impolitic," since "no State by a legislative act is competent to declare an act of the Federal government unconstitutional and void." Replies were not sent from the States south of Virginia. The subject was under discussion; it is known that South Carolina disapproved strongly of the two laws, but neither of the Carolinas took formal action, nor can much

Pennsylvania and Maryland

States south of Virginia silent

more be said of Georgia and Tennessee. It is probable that the Republicans were favorable to some methods of protest, but that they disapproved —or were not willing to record their approval to the extent of indorsing—the resolutions of 1798 and 1799. The people of Kentucky and Virginia did not change their views under the fire of criticism, but the actual effect of the resolutions upon subsequent politics seems to have been small.

1799 et seq

One of the ablest writers upon the Constitution of the United States once said: "Almost every State in the Union in time declared its own sovereignty, and denounced as almost treasonable similar declarations in other cases by other States." In this particular case, so soon after the adoption of the Constitution and with the bitterness of party feeling, it is not surprising that the arguments should have been chiefly to prove the Alien and Sedition laws unconstitutional; to show that the final arbiter was the Supreme Court, and to point out that the legitimate method of relief was by amendment to the Constitution. Of the question of the Constitution as a compact, little was said; perhaps because a majority of men believed that it was in fact a compact, not between the legislatures, but an agreement of the people of the States themselves representing the separate sovereignties. This was Madison's view, and he questioned the right of the State legislatures to interfere, apparently preferring conventions especially chosen by the people for that purpose. As a matter of fact, the

The resolutions and rejoinders natural developments

The Constitution as a compact

1798 idea of the dual allegiance to State and nation was of slow growth; the point at which and for which State sovereignty ceased and personal allegiance was determined was long unsettled, the extent and intensity of belief depending on the nature of the question upon which the country divided. Had the compact theory and principle of state sovereignty not been evoked in defense of the institution of slavery, it is probable that the Virginia and Kentucky resolutions would have rested undisturbed in the limbo of discarded political theories with the anti-embargo resolutions and the report of the Hartford Convention.

Gerry surrounded by equivocations

After the departure of Marshall and Pinckney from Paris, Gerry, who had remained hoping to avert a threatened war, had to bear alone the results of the publication of the X. Y. Z. dispatches, which speedily found their way into the British papers and were the subject of much comment. Gerry persisted in denying all authority to make a treaty, or even to conduct negotiations alone; yet he was willing to transmit any propositions from the Directory which were likely to prove acceptable. Several interviews followed. Talleyrand, who was endeavoring to throw the blame of the failure upon the American envoys, and who was really playing for time, professed ignorance of the American claims and was again supplied with complete information. After further delays, Gerry was promised the plan of a treaty; but in the mean time Pickering's peremptory order recalling the envoys had been

Peremptorily recalled

received. Gerry still hesitated, hoping that something might be accomplished; for Talleyrand had begun to recede from his extreme demands, denying that France wished anything more than to be placed on a footing as favorable as that occupied by England. 1798

It was at this stage that Gerry was called upon to deny the facts reported in the published dispatches. Talleyrand, with his usual admirable effrontery, asked the names of these intriguers who had taken advantage of the isolated condition in which the American envoys kept themselves to make scandalously corrupt propositions. Gerry was obliged to confess that the persons who had made the "shocking proposals" had done so without credentials; but he sent the names, whereupon Talleyrand attempted to disavow the whole affair, and declared again that the envoys had been shamefully deceived. Gerry's reply, backed up by a letter from Bellamy then safe at Hamburg, set at rest the question of Talleyrand's complicity; and for the next two months the American envoy made repeated and unsuccessful efforts to secure his passports, while being constantly assured of the pacific intentions of the Directory. Now that it was too late Talleyrand recognized the seriousness of the mistake, attempted to place the responsibility for failure on the American envoys, and denied again any desire to force a loan or exact satisfaction for the President's speech. At the same time he intimated that any minister chosen from the party in America which was known to

Talleyrand attempts a disavowal

Withholds Gerry's passport

But professes friendship

1798

be favorable to France would be properly received. On the 8th of August Gerry sailed from France, bearing as the only result of the mission a recent decree of the Directory limiting the operations of French privateers.

Gerry satisfies neither party

Gerry reached America only to find that he had made enemies of both parties. Federalists regarded his action as almost treasonable; the Republicans, who could see no evil in France, were not inclined to accept his version of the mission and the unquestionable evidences of corruption and fraud. Some of them suspected that the whole affair had been the work of a few unscrupulous men in power, and Jefferson chided Gerry because he had not interpreted his instructions more liberally and assumed greater responsibilities. Adams received his old friend kindly and protected him from the wrath of Pickering, who was preparing for the unfortunate Gerry one of his bitterest philippics.

An amateur diplomat

Meanwhile another and a self-appointed envoy had visited the French republic. A worthy Philadelphia Quaker, George Logan by name, a peace-loving democratic idealist whose wealth made it possible for him to dabble in amateur diplomacy, went to France with the hope that he might do something to preserve the peace. The Federalists at once suspected treason; for Logan had taken a few letters of introduction written by Jefferson, rather than the passports of the State Department. Logan was very kindly received, secured an audience with Merlin the President of the Directory,

and other prominent Frenchmen, and was assured of the sincere desire of the French Republic to remain on friendly terms with the United States. 1798

On his return to America Logan had little to show as the result of his visit, a strong proof of the way in which France had regarded it. All sorts of rumors were abroad, but Logan made haste to visit Pickering at Trenton, whither the government had removed on account of the plague. Pickering naturally refused to give official sanction to Logan's mission by receiving his communications, and the consciousness of his own good intentions was but meagre protection to the self-appointed envoy during a chilling interview with Washington in Philadelphia. Logan was told that it was the height of presumption for him, an unaccredited citizen, to attempt a feat in which three distinguished citizens had failed; that the reception accorded him by the mysterious Directory was in itself no evidence of the pacific sentiments of France; that the Republic might easily make peace by showing a proper consideration for the rights of Americans, and by repealing the obnoxious decrees. The United States was by no means helpless, was resolved to permit no further insults, and was amply able to protect itself. Logan next visited Adams, and his interview seemed to have no little weight. Adams, who had no particular theories to defend and was sincerely desirous of peace, accepted Logan's statements as a confirmation of intimations which he had received from other sources.

Logan censured

Adams credits Logan's report

1799

War threatened

Meanwhile preparations for war went on steadily; the act adopting a policy of non-intercourse with France was continued, other retaliatory measures were passed, the navy and army were increased. It seemed to the Federalists that the long-expected war was about to begin, that at last they were to have the opportunity to expel by force the poison of the French Revolution from the body politic. It is true that there was as yet no sign of a French army, but preparations were not allowed to lag. In the midst of this warlike fervor the Federalist leaders were dumbfounded when, on February 18, 1799, Adams nominated, without previous warning, William Vans Murray, then minister at The Hague, as minister plenipotentiary to the French Republic. The New England leaders were shocked by the nomination. "It must have been," said one of them, "an act of feeling, of passion, and not of judgment." Yet Adams was not thinking of his own reputation, or of his own party, but of the welfare of the country, when he accepted overtures which showed a complete change of heart in the French authorities. Adams had been possessed of more or less complete information for some time, information which unfortunately he did not see fit to make public; hence the nomination, not being understood, was the more easily misjudged.

Minister nominated to France

Scarcely had Gerry left France, when Murray received from Pichon, the secretary of the French legation at The Hague, a message which emphasized the friendly character of French sentiments

TALLEYRAND'S PASSPORT TO VANS MURRAY.

and expressed the opinion that another minister would be welcome to France. Adams had made certain conditions, however; and it was not long until Talleyrand assured the President that any envoy from the United States would be received "with the respect due to the representatives of a free and independent nation." The nomination was referred to a committee of the Senate, which remonstrated and finally expressed a doubt as to whether the Senate would agree; whereupon Adams substituted a commission of three, Patrick Henry, Chief-Justice Oliver Ellsworth, and Murray. Failing health forced Henry to decline; and the governor-elect of North Carolina, General William R. Davie, was appointed to the vacancy.

1799

A commission substituted

When the final assurance of the willingness of France to reopen negotiations reached the President at Braintree, he directed the envoys to prepare for their journey, and asked the assistance of the Cabinet in the preparation of instructions. The secretaries, however, were hardly more favorable to the joint embassy than they had been to the single minister, and sought in various ways to delay the mission. By instructions as finally prepared, the United States was to be released from the obligations of former treaties, indemnity for former depredations was to be demanded, no money payments of any sort were to be made, and France was to be asked to repeal the decree confiscating neutral vessels with English cargoes. Unless preliminaries were begun in twenty days, the envoys were to demand their passports.

Cabinet hostile to the mission

1799

The Directory changed

Before the instructions received their final form, word reached America that the Directory had been changed, that the fortunes of the Republic were at their lowest stage on account of faction at home and defeat abroad, and that monarchy would soon be re-established. On this account the President was urged to delay until matters took a more definite turn; but whether the Republic succeeded in weathering the storm or gave place to a monarchy, it seemed best to Adams to send the envoys on their way as soon as possible. Moreover, winter was approaching, and it was important that the vessel sail soon enough to escape severe storms. Adams was informed of the spirit of intrigue existing in the Cabinet; and fearing also that Pickering might give a hostile tone to the instructions, consented to a postponement until he should reach Trenton, then the seat of the government. At Trenton he was surprised to find Hamilton, who with Wilkinson had come upon military matters. The President regarded Hamilton's presence with suspicion, which was not allayed when the latter argued against the immediate departure of the envoys. On the 15th of October the President went over the instructions for the last time with the Cabinet and early the next morning instructed Pickering to have the members of the embassy set out at once. The secretaries raged in vain, but the majority of the Federalists approved the President's act. McHenry, Pickering, and Wolcott, who should have resigned if they could not support the policy

Delay urged

The envoys despatched

of their chief, retained their offices as a vantage-ground from which to conduct their attacks upon the aspirations of President Adams for a second term. 1798-9

In no action of his life did the President better deserve the title of "Honest John Adams." The moderate Federalists approved, and the Republicans applauded; but independent of the approval or applause, Adams correctly estimated a difficult situation, from which he extricated his country with honor. The extreme Federalists wished for war because, like the English Tories, they condemned equally all of the principles of the French Revolution; because by a war they might crush all opposition; because a war with Hamilton as commander-in-chief, supported by Washington's immense personal influence, would raise their idol to power, and probably make of him the greatest man of the Western Hemisphere. Years after, when another Adams was bitterly arraigned for an independent judgment and course of action, the ex-President wrote: "I was obliged to give peace and unexampled prosperity to my country for eight years against the advice, entreaties, and intrigues of all my ministers and of all the leading Federalists in both Houses of Congress." The situation squarely met

The fifth Congress assembled for the final session, December 8, 1798. In his speech the President referred to the visitation of the plague, and suggested measures by which its spread might be limited. The latest news from France was The President's speech

1798-9

communicated; but there was nothing that would warrant a relaxation of vigilance or preparation for war. Again Adams made a plea for the navy; a plea based upon the maxim that "an efficient preparation for war can alone secure peace." The first bill of the session was one which enacted that benevolent diplomatic efforts like Dr. Logan's should be high misdemeanors, punishable by a fine not to exceed $5000 and imprisonment which might vary from six months to three years. Naval bills for the expenditure of a million and a quarter were passed; in a case of imminent danger the President was authorized to raise twenty-four additional regiments of infantry, a battalion of artillery, and three regiments of cavalry, which would increase the regular army to 40,000 men.

Bills of the session

Near the end of February, 1799, a special committee, of which Goodrich was chairman, announced its readiness to report upon the numerous petitions which had been presented for the repeal of the Alien and Sedition laws. In the opinion of the committee, these acts were expedient and necessary as well as constitutional. The Federalists determined to accept the report without discussion; and when the members of the opposition attempted to argue against it, they were met by coughs, laughter, and loud talking, until the House was a veritable bedlam. After the din had subsided, the report was adopted by a majority of four. Among the miscellaneous bills was one increasing salaries, an unwise measure in view of the constantly increasing expenditures.

The Alien and Sedition laws supported

THE TRUXTUN MEDAL.

1799-1800

The Constellation and Insurgente

Meanwhile the little navy, which Adams had so carefully fostered, was repaying tenfold the money expended upon it. Four squadrons were in West Indian waters. After various adventures the first prize of the war, the French corvette taken by the elder Decatur, had been recaptured; but had been returned to the United States and thence to France. One of the French frigates engaged in the capture was the *Insurgente,* which had also been one of Barney's fleet when he made his hostile demonstration in the Chesapeake. Presently, off St. Kitts, the *Insurgente* was sighted by the *Constellation,* and brought to after a three-hour chase. An hour and a half of fierce fighting followed, and at the end of that time the Frenchman surrendered. Sixty-six men on board had been killed or wounded, while but four of the crew of the *Constellation* were hit. Although of the same rating, the *Constellation* carried the heavier guns, and her sailors were infinitely better marksmen. Her slow fire had been remarkably effective, while the shots from the French vessel went wild or damaged the rigging only.

The campaign opens

Both parties began to prepare for the approaching political contest early in 1799. In February, Jefferson wrote to Edmund Pendleton: "The violations of the Constitution, propensities to war, to expense, and to a particular foreign connection, are becoming evident to the people, and are dispelling that mist which X. Y. Z. spread before their eyes;" and in March he wrote, "Pennsylvania, New Jersey, and New York are coming

1799

majestically round to true principles." Somewhat earlier Washington's pen had been enlisted on the other side, and in quite a long letter he urged upon Patrick Henry, now an ardent Federalist, the duty of becoming a member of Congress or at least of the Legislature of his own State. "Vain will it be," said Washington, "to look for peace and happiness, or for the security of liberty or property, if civil discord should ensue. What else can result from the policy of those among us who, by all the measures in their power, are driving matters to extremities, if they can not be counteracted effectually? Your weight of character and influence would be a bulwark against such dangerous sentiments, a rallying-point for the timid and an attraction for the wavering." Henry yielded to the appeal, and was elected to the House of Delegates; but the voice that was first heard in the Parsons' cause was stilled in death before the Assembly convened. This and similar exhortations were not without effect; for in the ensuing elections the Federalists obtained eight of the nineteen seats from Virginia, seven out of ten in North Carolina, all but one in South Carolina, and two in Georgia, while to the northward their strength remained practically unbroken.

Washington to Patrick Henry

In many of the States, minor political changes occurred which indicated a change of political theory or practice. New York, in the spring of 1799, passed an act for the gradual emancipation of slaves. Children born of slave parents after

Emancipation in New York

the 4th of July, 1799, were to be free, but were to serve a long apprenticeship to their former owners. There was to be a fine for the exportation of slaves; and those only might be imported (but even then not sold) who had been held by the same master for more than a year. During the plague there had been much discussion over the water supply. At the same time the Republicans of the city wished to start a bank, as those in existence were in the hands of the opposite party; but it was practically impossible to secure a charter. Aaron Burr was a member of the Assembly; and he was largely instrumental in obtaining a charter for the Manhattan Water Company, which contracted to supply the city within the ensuing ten years. At the same time the company was authorized to employ the funds in the purchase of stocks, "or any other moneyed transaction," a provision which permitted a banking business. The charter was perpetual, and the company was soon organized with a capital of two millions.

1799

Bank privileges secured by stratagem

Meanwhile Pennsylvania was the scene of a popular uprising not unlike the Whisky Rebellion, though involving only a small number of people. The Federal government, in financial straits, had laid a direct tax upon lands, houses, and slaves. As a means of estimating the value of houses, the number and size of the windows were to be taken. Many of those who were thus assessed had an imperfect understanding of the law, and believed the tax to be upon doors and windows. In Bucks,

The unwelcome direct tax

1799

Montgomery, and Northampton counties, the discontent broke into open resistance. The assessors were attacked and driven from their work.

The Fries riot

Warrants were obtained for the rioters; thirty were arrested; but the body of the insurgents met at a public-house near Bethlehem, and chose John Fries, a popular auctioneer, to be their leader. Fries was well known throughout the countryside; and wherever his profession led him, he had aroused the people against the law. In adjoining counties the State courts attempted to deal with the rioters, but were disregarded; finally the Federal authorities issued numerous warrants, and the Bethlehem jail was filled. Here on the 7th of March a mob gathered, overpowered the marshal, and released the prisoners.

For a time it seemed that the mob might get beyond the control of local officials; and the militia were called out and scattered over the country.

Convictions for treason

Many arrests followed; three men were tried for treason and sentenced to be hanged. Fries was defended by able counsel, who sought to show that the offense of their client had been riot rather than treason; but the court held that to resist a law by force, with the intent to prevent its execution, was equivalent to levying war upon the United States. Twice was Fries convicted and sentenced to death, but he was pardoned by Adams, who preferred to imitate the example of Washington in the Whisky Rebellion rather than to follow the advice of the extremists of his own party. This act of clemency caused an outcry in some quarters,

Fries pardoned

and Adams was accused of signing the pardon for political effect. During the operations of the militia and the progress of the trials, the Republican papers were filled with accounts,—most of them untrue,—of the cruelties of the militia, who were charged with living off the people, insulting women, and abusing the prisoners. The *Aurora* was especially venomous, until several of the younger militia officers called Duane from his office and gave him a sound thrashing in the street.

1799

Republicans win Pennsylvania

The elections in Pennsylvania resulted in a Republican victory, the former Chief-Justice McKean being elected governor over Senator Ross, the Federalist candidate—who was opposed, curiously enough, because it was said that he was an atheist, and because he was believed to have been concerned (passively at least) in the Whisky Rebellion. In August a convention met to revise the constitution of Kentucky. Some changes were made in the mode of electing the governor and State senators; but perhaps one of the most significant was an attempt to abolish slavery gradually, —an attempt supported vigorously by Henry Clay, then on the threshold of his political life.

When the sixth Congress met, December 2, 1799, the Federalists had undisputed control of both Houses; and the future of the party was to depend to a great degree upon their use of this power. There were divisions in their ranks, for some of the Southern members were not prepared to follow to the extreme lengths favored by the New England radicals. Had a moderate platform been adopted,

Federalist diversions

1799

the Federalists might have retained control for many a year. Of this new element John Marshall was the best representative. The confidence of the President and his own talents speedily raised him to the position of one of the chief spokesmen of the Administration; yet by certain Federalists he was looked upon with suspicion. "He is doubtless a man of virtue and distinguished talents," said Wolcott, "but he will think too much of the State of Virginia, and is too much disposed to govern the world according to the rules of logic. He will read and expound the Constitution as though it were a criminal statute, and will sometimes be embarrassed with doubts of which his friends will not see the importance." "He had," said others, "degraded himself by giving his opinion so decidedly against the Alien and Sedition laws," and "had much to learn on the subject of a practicable system of free government for the United States." Other new men from Virginia were Henry Lee and John Randolph, the latter just beginning his unique political career. Some of the distinguished members of the preceding House had been transferred to the Senate; among them Dexter, Dayton, Baldwin, Wilson Cary Nicholas, and Charles Pinckney; and somewhat later, Gouverneur Morris who was chosen to represent New York.

John Marshall

Other new members

The President referred in a general way to events since the adjournment, and enumerated the causes for national gratitude. Attention was called to the recent outbreak in Pennsylvania; also to the necessity of remodeling the judiciary, a

WASHINGTON'S BIRTHPLACE.

TOMB OF WASHINGTON.

1799

President's speech

reform long urged by the justices of the Supreme Court. A comprehensive statement was made of the reasons for the second mission to France, and the probability of a permanent peace. The Federal City was reputed to be in a condition sufficiently advanced to accommodate the government at the beginning of the next session of Congress. The task of preparing an answer to the President's speech was intrusted to Marshall, who endeavored to embody in it the opinions of all classes of Federalists. "It was necessary," said Wolcott, "to appear to approve the mission, and yet to express the approbation in such terms as when critically analyzed would amount to no approbation at all." No one was satisfied; but not a man was willing to stir up debate, so the reply was adopted without dissent.

Marshall's reply

Death of Washington

One evening in mid-December the city of Philadelphia was startled by a rumor of Washington's death. The next morning Marshall announced the melancholy fact to the House in these words: "Our Washington is no more! The hero, the patriot, the sage of America, the man on whom in times of danger every eye was turned, lives now only in his own great actions and in the hearts of an affectionate and afflicted people." Resolutions drawn up by Henry Lee were introduced by Marshall, for the observance of proper ceremonies to honor him who was "first in war, first in peace, and first in the hearts of his fellow-citizens." Washington's health had been better since his retirement, and he had been unusually active in many ways.

1799

December 12, while riding about his farms, he was caught in a storm of rain, snow, and sleet. The next day traces of the exposure were seen, but it was not considered serious. Before daylight Saturday morning, alarming symptoms increased; physicians were called who applied repeatedly the popular remedy of bleeding, which reduced the vitality and resisting power of their patient. The end came between ten and eleven o'clock on the night of December 14. When the news reached France, Napoleon praised him in the orders of the day issued to the army; for ten days the standards were draped in black; and a funeral oration was pronounced in the Temple of Mars, in the presence of Napoleon and all the civil and military authorities. The sixty British ships of the line, the grim channel guard commanded by Lord Bridport, lowered their flags to half-mast. Everywhere in America there were addresses, sermons, resolutions, and eulogies. "The greatest of good men, the best of great men," Washington has retained the first place in the hearts of succeeding generations as he was first in the affections of contemporaries.

Foreign tributes

Early in January, when Congress again resumed business, a bitter debate arose over a petition from free colored citizens of Philadelphia, protesting against the foreign slave trade carried on illegally from ports of the United States; complaining of the practice of kidnapping; and begging Congress to regulate the evils of slavery and to provide for a gradual abolition of the

Petition against the slave trade

JOHN RANDOLPH.

institution. Just at this time there were fears of a slave insurrection and a repetition of the San Domingo horrors. Many Southern members of Congress, and a considerable number from the North, believed that Congress had no jurisdiction whatever in the matter. Reference to a committee was opposed; and it was voted that petitions "inviting Congress to legislate on subjects over which the general government has no jurisdiction have a tendency to create disquiet and jealousy, and ought therefore to receive no countenance or encouragement from this House." There was but one vote against the resolution: that of George Thacher, who had represented the counties of Maine since the adoption of the Constitution.

1800

Congress discountenances such petitions

The office of Lieutenant-General had become vacant by the death of Washington; the prospect of a French war became more remote each day, and a resolution was offered for the repeal of the laws increasing the army and navy. Among those who took part in the debate was a young Virginian not yet twenty-seven,—John Randolph of Roanoke, who boasted of his descent from Pocahontas. Randolph seemed to be a boy rather than a man; with beardless face, black hair, and piercing black eyes; tall, slender, abnormally long of limb and shrill of voice. He was a man of many talents, exceedingly eccentric in manner, disliking sustained effort, in his speeches displaying unparalleled audacity and insolence. For many Congresses he was the despair of his friends and the terror of his enemies. In this debate upon the army he

Randolph of Roanoke

1800 characterized its members as mercenaries, "a handful of ragamuffins," a body of idlers living upon the honest toil of the citizens. Shortly afterward at the theatre Randolph was jostled by some young officers, and remarks criticising his speech were made in his hearing. He immediately wrote the President complaining of the attack, and requested that measures be taken "to deter others from attempting to introduce a reign of terror into this country." Adams quietly turned the tables by referring the letter to the House, with the remark that it evidently concerned the privileges of members. A select committee was appointed, which investigated the incident, secured much contradictory information, and submitted a report which severely censured Randolph and asserted that there was no ground for action. As for the army, another bill was passed soon afterward which stopped enlistments, but authorized the President upon the outbreak of a war to fill up the regiments.

Enlistment stopped

Another Federalist measure, the change in the judiciary, was discussed; but nothing was accomplished at this session. An attempt to repeal the Sedition law failed also, notwithstanding the support given by the moderate Federalists. After reducing expenditures to the lowest amount, it was found that a loan of three and one-half millions would be necessary; and it was proposed to provide for payment by additional duties on sugar, woolens, linens, silks, and wines. A bankrupt law was passed for the benefit of merchants, but limited in its operation to five years. By this act

Bankrupt law

imprisonment for debt was forbidden, though property acquired later might be seized for payment of the debt. 1800

No small excitement was created among the Republicans by a bill introduced by Senator Ross of Pennsylvania, which provided a new method of counting and determining contested electoral votes. A special committee of twelve was to be selected, six from each branch of Congress; and the chairman of this committee was to be the Chief Justice of the United States. The members of the committee were to be chosen by ballot. Full powers of investigation were bestowed. It was a scheme, said the Republicans, to secure the electoral vote of Pennsylvania; and upon that State the choice of the President seemed to depend. In commenting upon the bill, the editor of the *Aurora* claimed that it was the work of a caucus, that caucuses were productive of great evils, and that a small body of men so organized had controlled the Senate during the last Congress. Brought before the bar of the Senate, by the report of a committee on privileges which declared his charges to be "false, defamatory, scandalous, and malicious," Duane was in serious danger. He retained Alexander Dallas and Thomas Cooper as counsel; but each refused to serve when he was not permitted to attack the constitutionality of the Sedition law. Cooper's letter, a decidedly disrespectful one, was not without later results. Duane kept out of reach, and escaped the punishment which fell upon less guilty individuals.

Bill for electoral count

Duane's attack

Escapes punishment

1800

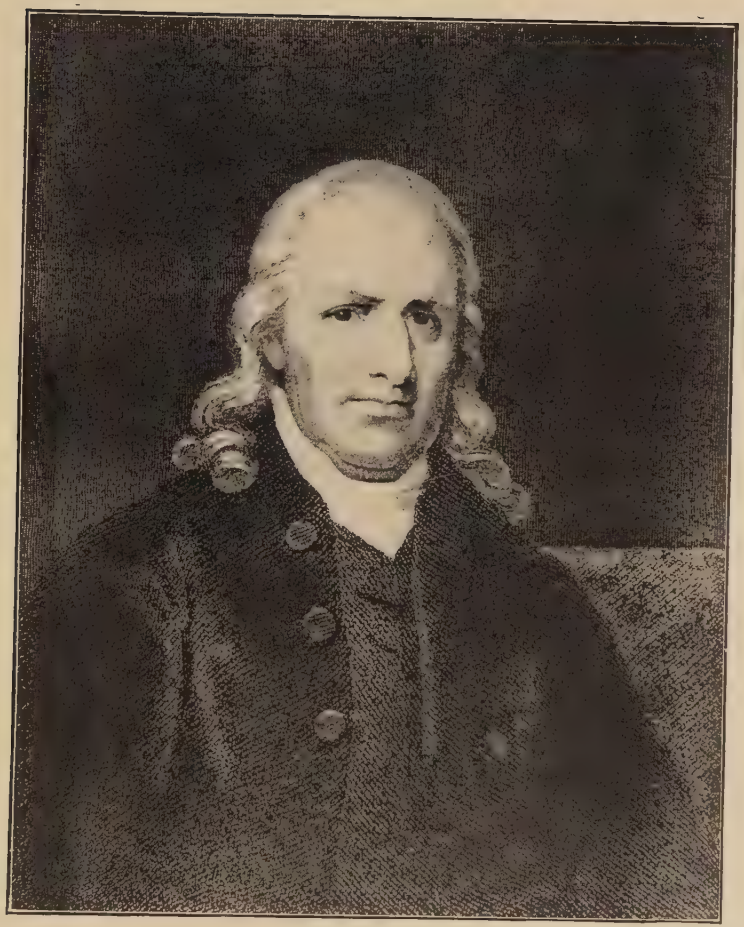
Several important acts were passed for disposition of Western lands. By relinquishing all her claims to jurisdiction in the West, Connecticut settled a question which had long vexed the Western Reserve. Much had been expected from the sale of public lands, but in the four years since 1796 not more than $100,000 were received. This was due principally to the fact that there were but two land offices,—one at Pittsburg and the other at Cincinnati,—and that the lands were sold at auction in lots of not less than 640 acres. William Henry Harrison, as Territorial delegate in Congress, obtained a bill which established four land offices where lands were to be offered at auction in half-sections; and if not sold in this way, they might be entered at two dollars an acre with the cost of survey added. But one-quarter of the purchase money was to be paid in advance; the balance was distributed over four years. So timely was the bill, that the sale of public lands produced in 1801 an amount greater than the total income of the previous four years. The Northwest Territory was divided by a line from the mouth of the Kentucky River to Fort Recovery, and thence due north to the British boundary. To the western part the name of Indiana was given; Vincennes was the first capital, and William Henry Harrison the first governor.

Sale of public lands

Increases public revenue

Northwest Territory divided

While the breach between the factions of the Federalists was widening, Jefferson, in the Vice-President's seat, cool, cautious, wary, keen-eyed, was profiting by their divisions and mistakes. He



SAMUEL CHASE.

avoided carefully everything which could furnish material for hostile criticism to the industrious editors of the Cobbett type, and at the same time brought into organized form the somewhat inchoate but widespread resistance to the policy of the administration. Meanwhile the Federalists furnished more arguments to strengthen the Republican opposition in the form of trials under the Sedition law. Charles Holt of the New London *Bee,* Anthony Haswell of the *Vermont Gazette,* were fined two hundred dollars each; Thomas Frothingham was prosecuted for asserting that Hamilton had endeavored to buy the *Aurora* and thus stop its attacks upon the Federalists. Thomas Cooper, William Duane, and James Callender were arraigned, and their trials were followed with intense interest. In 1797 Cooper had applied for an office under the government. No attention had been paid to his application; and becoming in the interval a vigorous Republican, he had joined the chorus of attacks upon the President. In answer to the question whether he had once sought office under an administration which he now condemned, he replied that his own principles were unchanged; that in 1797 Adams was only "in the infancy of his political mistakes, he had not yet signed the Alien and Sedition laws nor had he abolished trial by jury." For these and similar remarks Cooper was brought to trial before Judge Chase at Philadelphia. Chase had put behind him the principles which led him to oppose the Constitution, and had now become an ardent

1799

Jefferson organizes the opposition

The Federalists contribute ammunition

Thomas Cooper offends

1800

Federalist, a fierce partisan who delivered political harangues from the bench and packed the jury boxes with faithful politicians. Cooper plead not guilty, set up the truth of his statements as a defense, and attempted in support to use a volume of answers to addresses of which Adams was the author. The court held that unauthenticated publications could not be used, and the President refused to say anything in the matter, to acknowledge or deny that he was the author of the papers in question. As a result, Cooper was fined $400 and imprisoned for six months.

Cooper held guilty

From Pennsylvania, Chase went to Richmond, where James Thompson Callender was indicted for defaming the President in a scandalous publication entitled "The Prospect before Us." Callender was the most thoroughly despicable and unscrupulous editor then in America. His own party feared him while they supported him; and it is an open question which he injured most, his friends or foes. Callender was deserving of punishment for libel on general principles, and not because he was a Republican; and perhaps the chief objection to the trial lies in the way in which it was conducted. It is said that Chase threatened to read a lesson to any impertinent Republican lawyers who might appear before him, and that he directed the marshal to see that no Republicans were members of the jury. Callender's counsel, William Wirt among them, attempted to delay the case, attempted to argue the constitutionality of the law, and quarreled with the judge until one of

And Callender punished

1800

them threw down his papers and left the court. Callender was fined $200, imprisoned for six months, and required to find securities for future good behavior. Duane was entangled in the meshes of the law for charging that there was a party in America open to British influence; but fortunately an old letter written by John Adams to Tench Coxe, containing charges of the same kind, was furnished to Duane to use in his defence. When the district attorney saw the letter, and realized the unpleasant position in which the President would be placed by its publication, the prosecution was dropped.

Duane escapes

In the various States, political changes showed the uncertainty of Federal control. In Pennsylvania, which was now Republican, Governor McKean made many removals from offices which he filled with his own supporters; among them Judge Shippen, noted for his legal attainments, and Judge Brackenridge of Whisky Rebellion fame, who gave no evidence upon the bench of his former political heresy. In Massachusetts, Caleb Strong, a Federalist, was elected by a majority of only 2500 over Gerry,—a majority not large enough to warrant confident predictions of future success. Under the guidance of Burr, various family interests in New York were combined in one ticket, headed by ex-Governor Clinton, and including Brockholst Livingston and General Gates. This ticket was successful by a majority of 500, and the Presidential electors from New York were certain to be Republicans. There was,

Political changes

1799-1800

however, one hope. The last legislature, of which the Federalists were in full control, might be called in special session, and a law passed for the choice of electors by districts, which would give the dominant party five votes out of twelve. This proposition Hamilton made to Governor Jay; but Jay refused, endorsing the request, "Proposing a measure for party purposes which I think it would not become me to adopt."

New York electors Republican

Early in December of 1799, the Federalists urged as the sole hope of saving the country that Washington be chosen for the Presidency; but even as they discussed the question, that honest, magnanimous soul, which had so often been the support of his less scrupulous political allies, passed forever from the control of party. The New York election convinced Adams that his chances for a second term depended largely upon gains in the South, in addition to the New England votes upon which he could depend. Adams was convinced of another thing,—that he had made a serious mistake when he retained Washington's Cabinet; and soon set about remedying the evil. If he retired to Braintree during the summer, as was his custom, it was necessary that he should leave behind him some one who would be loyal to his interests. Already the plot was on foot to divide the Federalist vote equally between Adams and General Pinckney. Apparently Senator Dexter had also been informed of the plan, but had disapproved, for which he was rewarded by being made Secretary of War.

Adams fears defeat

May 5 Adams turned upon McHenry, the weakest but most amiable member of the disloyal group. McHenry soon afterward reported Adams' words during the interview:—"General Washington had saddled him with three secretaries, Pickering, Wolcott, and myself. I had biased General Washington to place Hamilton in his list of major-generals before Knox. I had eulogized Washington in my report to Congress, and had attempted to praise Hamilton. I had done nothing right. Everybody blamed me for my official conduct, and I must resign." McHenry bowed to the storm, and resigned the next morning. But Pickering and Adams were made of the same tough New England fibre; and with Pickering Adams adopted a different method, possibly because he did not know how deeply his secretary was engaged in the intrigues against him. It is possible also that he feared to arouse Pickering's wrath. Eight years later the ex-President wrote a famous description of the ex-secretary, which might with almost equal propriety be applied to both. "Under the simple appearance of a bald head and straight hair, and under professions of profound Republicanism, he conceals an ardent ambition. He makes me think of a coal pit covered with earth, glowing within but unable to conceal the intense heat for the interstices, which let out the smoke and now and then a flash of flame." Adams asked Pickering for his resignation, and upon his refusal removed him and appointed John Marshall in his place. Wolcott retained his office until November;

1800

McHenry reports Adams' wrath

Pickering removed

1800

but continued, under his mistaken notion of loyalty, to furnish information to defeat Adams. In the last days of the administration, Wolcott was appointed to the Federal bench, and Adams probably died in ignorance of the extent of Wolcott's disloyalty.

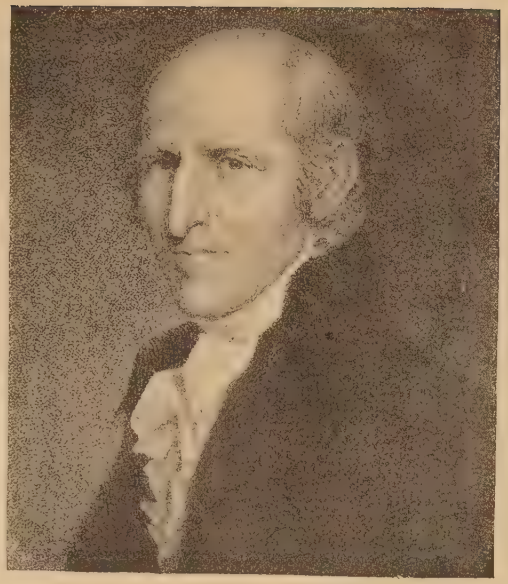
Wolcott appointed to Federal bench

The final break with the members of the Cabinet gave a new impulse to the plan to bring in Pinckney for President instead of Adams. In June, Hamilton journeyed through the New England States, where he found the leaders of the "first class" few in number but orthodox; those of the "second class" were more numerous and favored Adams, who could bring out the strength of New England. Bayard made a similar tour to observe opinions in the South. Virginia, Georgia, Kentucky, and Tennessee were hopeless; South Carolina would decide between Jefferson and Pinckney; North Carolina would probably give seven votes to Jefferson and five to Adams, while Maryland would give three Republican electors. On both sides were hints of separation, and one most interesting prophecy: "Perhaps the Potomac, like the Rhine, may part rival hostile nations, and its shores be crimsoned with the blood of the inhabitants."

Journeys of Hamilton and Bayard

The Federal caucus had decided to recommend Adams and Pinckney equally; and if strictly adhered to, the choice would fall upon the House. There was danger that Jefferson might come in first, and hence every effort was made to bring the doubtful votes to Pinckney's side. While

Afraid of Jefferson



TIMOTHY PICKERING.

JAMES McHENRY.

OLIVER WOLCOTT.

LEADING MEMBERS OF PRESIDENT JOHN ADAMS' CABINET.

still in the Cabinet, Wolcott had written: "It is with grief and humiliation that I declare that no administration of the government under President Adams could be successful. His resentments of men of influence are too keen to make it possible that he should please either party; and we all know that he does not possess and cannot command talents, fortitude, and constancy necessary to the formation of a new party." Yet the leaders were uncertain as to the course to be adopted. In pulling down John Adams they were in danger of demolishing the whole Federalist structure. In the words of McHenry: "Their conduct is tremulous, timid, feeble, deceptive, cowardly. They write private letters. To whom? To each other. They do nothing to give proper direction to the public mind. They meditate in private. Can good come of such a system?" Pickering entered the lists in his own defense, and claimed that his dismissal was due to his opposition to the appointment of Adams' son-in-law and to his support of Hamilton. There soon arose a bitter controversy between the followers of Adams and the Essex Junto, as the little knot of Massachusetts Federalist leaders was called. Everything was uncertainty and confusion; men began to change their party, and each one who did so was likened to a rat deserting the sinking Federal ship.

1800

Criticism of Adams

By the Essex Junto

Against the advice of his more cautious friends, Hamilton determined to write a letter which should circulate in private and perhaps secure some votes for Pinckney. On the 1st of August he wrote

1800

Adams to know if he had been included among those who were charged with being open to British influence. Adams did not reply, and on October 1st Hamilton wrote again. Again there was no answer; and Hamilton prepared, from materials collected by Pickering and Wolcott as early as the preceding July, a signed letter concerning the "Public Conduct and Character of John Adams, Esquire, President of the United States." Unfortunately for the success of Hamilton's plan, Burr secured a copy of the letter, and extracts were published broadcast as the most effective campaign document of the Republicans.

Hamilton enters the lists

In the letter, Hamilton charged Adams with personal enmity arising from the attempt to secure the election of Thomas Pinckney in 1796. Adams' political career was then reviewed; his judgment was declared unsound, and his unfitness for the Presidency shown by reference to his "vanity without bounds, disgusting egotism, ungovernable indiscretion, and an imagination sublimated and eccentric." In short, no production of the opposition since the Sedition act was so calculated to bring upon the author the extreme penalty of the law, as this letter written by the head of one faction of the Federalists in criticism of the nominal party leader. Hamilton's letter went too far. The tone of it was clearly personal. After the letter appeared it became impossible to reconcile the factions; and it changed no votes, since Hamilton, after exposing the weakness of Adams, was obliged to advise that every Federal ballot be cast for him.

Stirs up ill-feeling

Does not affect result

1800

The envoys reach France

Meanwhile the new envoys to France had reached their destination; the Directory had been overthrown and replaced by the Consulate; Talleyrand was in temporary eclipse; and three commissioners, with Napoleon's brother Joseph at their head, were appointed to make the new treaty. The instructions of the State Department were to insist upon a cancellation of the provisions of former treaties and the payment of claims for spoliations. France was unwilling to accede to either demand, but finally yielded in so far as to make the continuation of the privileges granted by former agreements the sole condition upon which the indemnity would be paid. Both questions were deferred for future settlement, the parties to the treaty agreeing that captured property not yet condemned should be restored; that all debts due by the respective governments or individual citizens should be paid; that vessels of each nation should enjoy in the ports of the other the privileges of the most favored nations; and that the principle "free ships make free goods" should be recognized. On the 30th of September the treaty, commonly known as the Treaty of Morfontaine, was signed by the six representatives; and peace with France was established upon as firm a basis as Continental conditions permitted. When the treaty reached the United States, the Senate, not daring to reject it, expunged the provision relating to future discussion of former treaty privileges. Napoleon, who considered the payment of indemnity a useless if not foolish proceeding,

And sign the Treaty of Morfontaine

1799-1800

declared that the rejection of one part of the disputed clauses carried with it the rejection of the other; and in this form the treaty was finally ratified by the two countries.

The new Federal city

The first session of the sixth Congress was the last held in Philadelphia. The Federal City, to which the name of Washington had been given by universal desire and consent, had made slow progress. Of the Capitol only the north wing was completed, and this was fitted up to receive both the Senate and the House; the exterior of the President's House was complete; the rooms were plastered, but unfinished. When the 15th of June came, but scanty accommodations were to be found for the departments. The original plans had been formed upon a magnificent scale by a French engineer, Major L'Enfant, who soon got into difficulties with land speculators and was removed from office by the President. Prizes were offered for the best designs for the Presidential mansion and the Capitol, and lotteries were organized to build houses for the coming inhabitants. In June of 1800 Wolcott wrote: "There is one good tavern,

Still raw and incomplete

and several other houses are building. There are but few houses in any one place, and most of them are miserable huts. The location is a good one, but there is nothing convenient, nothing plenty but provisions." Mrs. Adams, always an entertaining observer, described first impressions in a letter to her son. "Woods are all you see until you reach *the city,* which is only so in name. Here and there is a small cot, without glass windows, interspersed

among the forests through which you travel miles without seeing a human being. The house is upon a grand and superb scale, requiring about thirty servants. The lighting the apartments from the kitchen to the parlors is a tax indeed; and the fires we are obliged to keep to secure us from daily agues is another cheering comfort." 1800-01

The second session of the sixth Congress opened November 22. The President in his speech congratulated the people upon taking possession of the permanent seat of government, and expressed the pious wish that it might be forever a place of virtue and happiness. He recommended the government of the district to the attention of Congress, and again expressed the necessity for changes in the judiciary. With the announcement of new treaties and provisions under old ones, the strengthening and increase of the navy was proposed, as was also a systematic fortification of the harbors and the establishing of armories and arsenals. Of the acts of this session, that affecting the judiciary was the most important. By it the justices of the Supreme Court were to be relieved of their burdensome duties in the Circuit Courts. The number of District Courts was increased to twenty-three; and these were grouped in six circuits, each of which was to have a bench of three judges, who were to hold semi-annual sessions. The act provided that the next vacancy in the Supreme Court was to remain unfilled, thus reducing the number of justices on the Supreme Bench to four.

Last session of the sixth Congress

Creates new Circuit Courts

1800-01

The Federalists fill the offices

By these provisions new judicial offices were created, with the accompanying machinery of marshals and clerks, the whole on a scale entirely out of proportion to the needs of the country. Less than three weeks before the incoming of a new administration, and long after the elections had shown popular sentiment to be overwhelmingly Republican, the Federalists made this attempt to retain and control the Judiciary, that department of government which should be free from party spirit. Other judicial acts provided a government for the District of Columbia; establishing a Circuit Court with a chief justice and two assistants. There was to be a District Court, an Orphans' Court, and minor courts of justices of the peace, and all these officers were to be appointed by the President.

Election of 1800

The election of 1800 was preceded by the first political campaign worthy the name. The methods of choosing electors by the legislatures were by concurrent vote or joint ballot; but in several States they were elected by districts. The latter plan divided the vote of a State and was therefore unpopular, though it represented more accurately the will of the people. In Pennsylvania, where the House was Republican, but the Senate Federalist, a contest ensued, which ended in a compromise by which eight votes were given to Jefferson and seven to Adams. Thus Pennsylvania, with a Republican majority, had but one of her votes counted for the candidate of her choice. Maryland divided her vote equally. North Carolina was

represented by four Federalists and eight Republicans. Had South Carolina divided equally between Jefferson and Pinckney, and had one Rhode Island vote been cast for Adams and Pinckney instead of Adams and Jay, Jefferson and Pinckney would have tied, and the choice of the Federal House would have been Pinckney. When the results of the voting were known, it appeared that Jefferson and Burr had seventy-three each, Adams had sixty-five, and Pinckney sixty-four. It became the duty of the Federalists in the lower House of Congress to choose as President one of their political opponents.

1801

Jefferson and Burr tied

Jefferson was clearly the people's choice; but in some quarters there was a feeling that such a misguided people should be saved from the consequences of their own ignorance. One scheme, fortunately never under serious consideration, was to continue balloting without result until the 4th of March, when the president *pro tem.* of the Senate might serve as chief executive until another could be chosen. Another plan, more reasonable and entirely constitutional, was to elect Burr, who might perhaps be led to carry out the wishes of the Federalists. Voting began in the House on the 11th of February. On the first ballot, eight States were for Jefferson and six for Burr—to whom, but for Matthew Lyon, the entire vote of New England would have been given. Two members of the House were sick and were brought in on their beds; and twenty-nine ballots were taken without result during the first twenty-five hours.

The House votes

Fails to break the deadlock

1801

During the seven succeeding days, thirty-five ballots were taken, and every opportunity was given for Burr to bring to his aid any strength that he could command; but meanwhile powerful influences were at work in the Federalist party to divert votes from Burr to Jefferson. Hamilton begged and commanded: "I cannot," he said, "remain with a party which so degrades itself as to elect Burr." To Bayard of Delaware, the Federalist leader in the House, he wrote: "Exert yourself to the utmost to save our country from so great a calamity." Any one of four Federalists in the House could by voting for Jefferson bring the contest to an end. After a consultation, they authorized one of their number, Bayard of Delaware, to make terms with Jefferson. Bayard consulted Samuel Smith of Maryland as to Jefferson's attitude upon the subject of public credit, the naval system, and the removal of office-holders. The reply was satisfactory; and on the thirty-sixth ballot, Morris of Vermont was absent, the Maryland Federalists put in blank ballots as did Bayard also, and Thomas Jefferson became third President of the United States.

The Federalists make terms with Jefferson

Adams' administration terminated legally at midnight on the 3d of March. The day was spent in making appointments, which were promptly confirmed by the Senate; and nine o'clock in the evening found many commissions unsigned. After an intimation from Jefferson through a third party that office-holders were not to be molested except for sufficient reasons, the outgoing administration

The midnight appointments

deprived Jefferson of all the patronage possible. Before sunrise on March 4 John Adams entered his carriage on his way to Braintree, ending by an act of studied ill-tempered discourtesy one of the stormiest administrations in our history. Adams' failure was due to many causes, some of them most honorable. His many personal faults deprived him of much popular praise which his soul loved, and which in fact he merited. These same personal qualities drew from him the men who might have been his most efficient support. On the other hand, in his conception of popular opinion and popular needs, in his desire to be the President of a whole people rather than a chief of a section or head of party, in experience, in talents, and in moral courage, few men have exceeded John Adams.

1801

Adams has the defects of his qualities

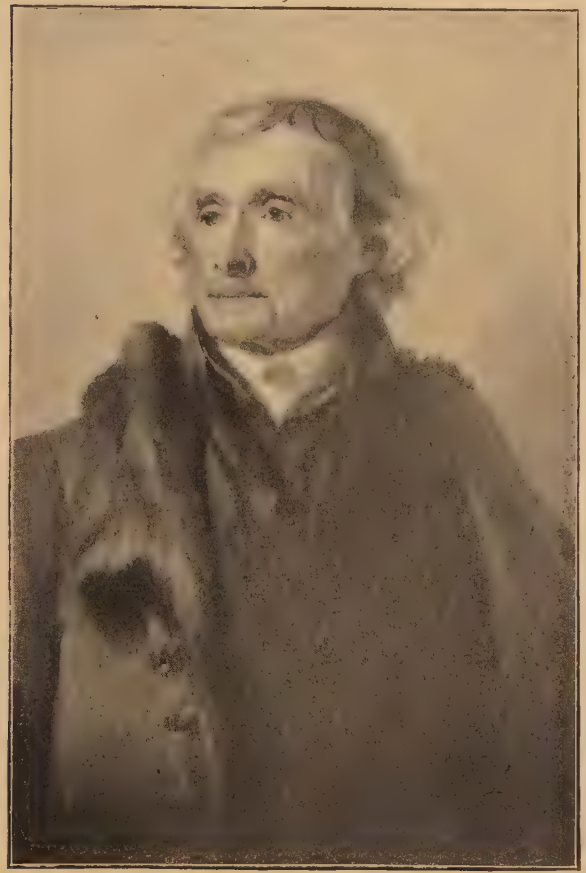
The American nation had outgrown the Federalist party. The superior intellect, greater courage and reputation, and more highly developed political skill, of men who were naturally conservative in their views, had welded them into one great party. Like the English Tories, they guarded faithfully the political traditions of former days, and opposed all innovation. The preservation of the social order, decent reverence for birth or wealth, high regard for the rights of property, separated them from the Republicans, who represented other political theories, ambitions, and desires. In support of their doctrines the Federalists strengthened the general government by allying it with property and financial interests, by making

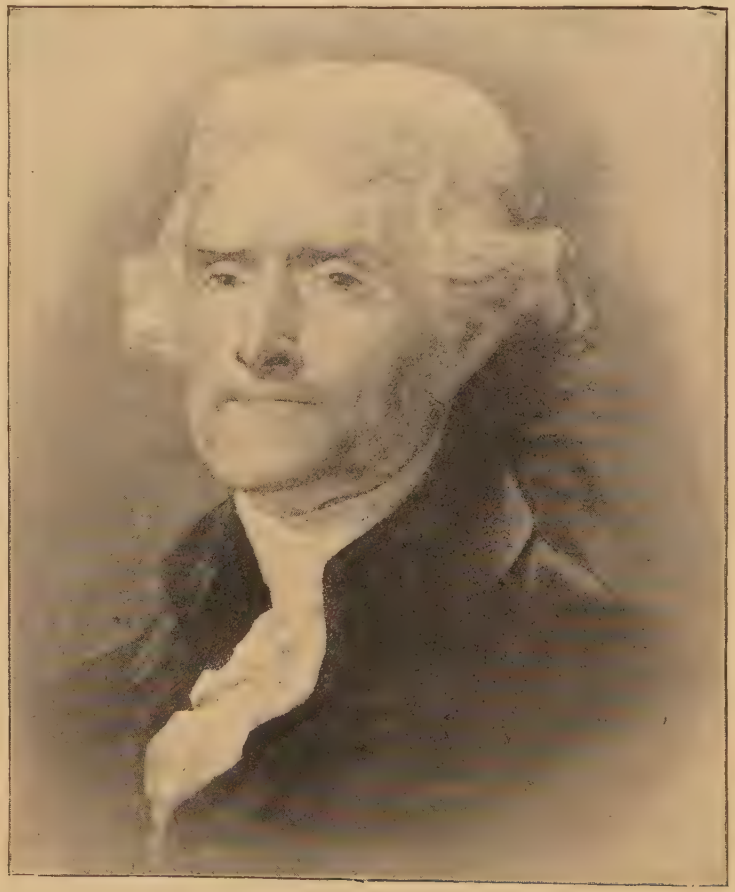
The Federalist party superseded

1801

its influence felt equally over the country by means of taxation, by making it formidable through an increased army and navy, and by instituting harsh if not unconstitutional legal machinery for the extirpation of its enemies. Yet Federalism left a priceless legacy to future administrations, in the maxim that a government in order to be effective must be strong, that the institution of a government implies the power to continue its existence.

The legacy of Federalism





PORTRAITS OF THOMAS JEFFERSON.

CHAPTER LX.

THE REPUBLICANS IN POWER

1801

Jefferson first among democrats

Among the many men of note to whom the Western world has given birth, one of the most remarkable was the man who took the oath of office as third President of the United States. So also, of the political revolutionists who have contributed to the happiness of mankind he was among the greatest. He surpassed his predecessors and contemporaries as he has surpassed his successors, because he was a democrat,—the most intellectual and unswerving of democrats.

And leader of the revolt against centralization

In the first significant year of the new century, Jefferson came to the new capital of the United States to be President of the new nation. Many things had changed since the day when he penned the immortal Declaration of Independence; but whatever had been the intervening vicissitudes, whatever had been the reaction and attempted twist of the Republican rudder, Jefferson had neither swerved nor twisted, but kept the democratic helm sternly set through all the breakers. As a leader of the old democracy of the Revolution, he had come forth victorious in a contest for the restoration of that democracy to the fore place in American affairs,—a contest which was the field battle of democracy with the tendency of the new

1801 et seq.

government toward centralization, and of the party in which this centralizing tendency had become the prevailing motive of action.

Prophet of the principle of local self-government

Thomas Jefferson had in him the true mixture of sentiment and fact; the true balance of intellect and ideality; the true combination of political theory and practical adaptation. Before his presence the sham respectabilities of political life went back abashed. He arrested with a strong hand the monarchical tendency of his day, and was the unfaltering defender of both the principle and fact of local self-government. He inculcated constantly the doctrine that our general government is a government of delegated powers; whether delegated by the States or the people of the States, he did not much concern himself to decide. But he did decide that the American system is a system of authority derived, not from its own inherent right to exist, but from the powers by which it is constituted—namely, the power of the people.

Of the doctrine of delegated powers

And of popular government

For eight years, Jefferson, the father of democracy, conducted the government on the fundamental principle announced by Theodore Parker fifty years afterward, and proclaimed to all the world by Lincoln, that this is a government of the people for the people and by them. By the close of the twentieth year of the Republic, Jefferson had completely arrested the monarchical reaction. He had stood like a wall against the insinuation of British influence in this republic. The Jupiter Stator of American democracy, he prevented the new government from gravitating further in the

direction of European sentiments and methods; he restored to respectability those radical forces which had prevailed at the outbreak of the Revolution, and without which the Revolution never could have been. 1801 et seq.

The fame of political leaders is generally evanescent. The great majority of those who have led in civil contests, by which the current aspects of public life are determined, have tumbled from their pedestals on which the passing times have placed them, and on the morrow, like the image of Dagon, they lie prone and broken in the corridors of History. But it is not so in the case of Thomas Jefferson. There he stands in the retrospect, and there are only a few standing with him in that group of immortals. Washington is there, and Franklin, and two of the Adamses, and the thunder-stricken James Otis. But the man among them who did the deathless thing, namely, the destruction of the Old World theory of human government, was he who took his first lesson in statesmanship in the House of Burgesses when Patrick Henry was the Speaker, and who gave his last orison to the Republic while the summer bells were chiming the fiftieth anniversary of American independence. His work for posterity

The most noted change during the ten years of national government was the increase in population. The New England States had made relatively small gains, but had sent their sons to subdue the Western country. Kentucky boasted three times as many people as in 1790; Ohio, which had a Increase in population

1790-1801

scarcely countable population in 1790, now had 45,000 inhabitants. Tennessee had tripled her numbers; and Pennsylvania had increased by nearly 200,000, chiefly in the western counties.

The great western highways

The entire increase was not far from half a million, and these had found their way to the West by four great routes. One led away westward from Philadelphia to Pittsburg, another from the Potomac to the Monongahela, a third from Virginia south and west to the Holston and thence to Knoxville, and the fourth through the Cumberland into Kentucky. Many of the pioneers made the journey down the Ohio on an "ark" or "Kentucky flat-bottom,"—a shallow broad boat which could support a comfortable and even commodious cabin. For those who could afford it there was the quicker and more comfortable keel-boat; and the great rafts sixty feet long, carrying a family and all its possessions, were not an uncommon sight.

Ohio and Illinois

Marietta, Cincinnati, and Chillicothe were the chief Ohio towns, and contained a fourth of the population of the Territory; further west the settlements were hardly more than frontier posts. At Shawneetown on the Ohio, below the mouth of the Wabash, the settler left his flatboat for the Illinois country. Beyond the mountains the means of living were abundant; but trade, for which the ordinary media were scarce, was carried on mainly by barter. Salt sold at six cents a pound, beef at five, and venison at three. There was game in abundance; simple and easily grown crops supplemented what the forests and streams provided.

Living on the frontier

1784 et seq.

The centres of population, of wealth, and of trade had changed but little. Progress was slow, for men had not yet made of steam the willing servant that it became a half-century later; yet much had been done toward the accomplishment of the desired end. It was in 1784 that Washington was shown Rumsey's boat, and it was not until 1787 that the inventor made use of steam. Fitch made his earliest experiments in 1786, ran his boat for several months in 1790, and the following year was granted a patent on it. August 11, 1807, the *Clermont* made her first journey up the Hudson. After the application of steam to transportation by water, it was only a question of time until the same result should be obtained by land; and with these two powerful stimulants the Mississippi was reached and crossed, the mountains were passed, and the Republic from the shores of the Pacific faced the magic East.

Infancy of steam transportation

Another invention which had a profound effect upon the later history of the country was that of Eli Whitney,—the cotton-gin, made first in the year 1792. The amount of cotton shipped that year was 189,000 pounds; three years later the shipment was in round numbers 41,000,000 pounds. In the cotton belt, slave labor became profitable at once, the demand for slaves increased accordingly, the surplus slave population of the border States was drawn upon to supply this demand, and the institution struck its roots so deeply in Southern soil that only the storms of civil war could remove them.

The cotton-gin a buttress to slavery

1800

As yet public spirit was sectional rather than national. The methods for the spread of information were crude and imperfect; the system of news-gathering was even more ineffectual than the dissemination. Traveling was a hardship not to be undertaken lightly; stage coaches were slow, uncomfortable, expensive. In little frequented sections of the country the roads were rough at all times, and impassable save to horsemen, during the winter. In 1800 there was a mail route from Portland, Maine, to Georgia. There were in all some 20,000 miles of post-roads, with nine hundred post-offices. The expense of the establishment was great in proportion to the amount of mail, an amount *per capita* far below that carried at the present time. Mails were received tri-weekly in the cities and larger towns until Pickering's administration of the post-office, when he accomplished the wonderful feat of covering the distance from Philadelphia to New York in a single day. The journey from New York to Boston might be made in fifty-five hours if no mishap occurred. From three in the morning until the day's station was reached, usually before midnight, the traveler was jolted over the country roads, with no other relief than the short stops for meals and more frequent change of horses. The taverns of the time furnished no entertainment worthy the name, and the complaints of foreigners were constant at the unusual practices prevailing. "An American sits down at the table of his landlord, and lies down in the bed which he finds empty or occupied by

Traveling a hardship

The post-office

Taverns

UPPER END OF STATE STREET, BOSTON, IN 1801.

(By permission of Samuel Abbott Green.)

but one person, without in the least inquiring who that person may be." Rooms were sometimes so full of beds that it was hard to pass between them; each bed was intended for two persons, and bed linen was changed on certain days of the week and not at the fancy of fastidious travelers. 1800

Manufactures were increasing; but the domestic system was still in vogue, and the articles made were of primitive simplicity and crudeness. East of the mountains, framed houses and dwellings of brick and stone were frequent; but in the western country the houses were single or double cabins of logs, hewn by the settler and his neighbors. When the material was prepared, the community gathered for a "raising." The women gossiped and prepared bountiful meals, the children played about the clearing, the men ate and labored; and before night the cabin was complete, even to the "chinking" of the crevices between the logs. In the larger cities, and even among the wealthier residents of the country, articles of foreign production might be seen; but the home manufactures were sufficient generally for family and community needs. Linens, woolen and cotton cloth of the coarser grades, coarse stockings and shoes, were the products most common in the South, with which the slaves and the poorer white classes were supplied. Domestic manufactures prevailed generally throughout New England; and it was said that in the State of Connecticut there was scarcely a family so rich or so poor as not to carry on some form of production.

House-raising on the frontier

Home manufactures in general use

1800 et seq.

Agriculture had everywhere kept pace with the growth of manufactures; and under local advantages of soil or scientific cultivation, together with the demand of European markets, was already the basis of natural wealth. New England produced largely, notwithstanding the natural poverty of portions of the soil; the middle States from New York to Delaware, with parts of Virginia and Maryland, were the granaries of the continent. Beyond the Potomac, conditions changed rapidly; for there, with exceptions, systems of cultivation were neither thorough nor especially successful. Jefferson spent as much as any farmer in scientific experimentation, and Jefferson failed to get paying crops from his estates. Farther south the aspect was even less pleasing: the tide of emigration did not turn toward southern shores, and the slave system, stimulated by new inventions and climatic conditions, fastened its hold more firmly upon the South. The great returns received from certain staples, the increasing markets, the abundance of virgin soil, concealed the economic waste which attended the labor of an individual whose social condition alone forbade any effort toward improvement in knowledge or skill. Upon the moral side, slavery was regarded with disfavor by the slave-owner himself. The Virginia group of statesmen looked forward to the time when it might be abolished, and Calhoun in his younger days regarded it as a temporary institution. Slavery produced men of peculiar and extreme types. It produced the hardened, cruel bully,

Agriculture

Most productive in the middle States

The South cursed with a wasteful system

devoid of humanity and without regard for human rights; it produced also men who were the finest flowering of American citizenship, men with a deep sense of personal responsibility and moral duty, men of strong character, self-reliant spirits with an inborn quality of leadership which would have made them notable in any nation. 1800

Many years after the election of 1800, Jefferson expressed the opinion that it had marked a revolution as real as that of 1776. Jefferson believed in himself, believed in his party, believed in the common people. Men were at last to see a government in the interests of the governed, and not an office-holding class for which the governed existed. The two American characteristics, undaunted optimism and a faith in the future to remedy the evils of the past, were strongly marked in the man and party who succeeded to the administration in 1801. Nor were the Republicans alone in their belief that the election was in its nature a revolution. July 7, 1801, Theodore Dwight, a true exponent of the best thought of New England, in referring to the election, said: "One side grasping at power and emolument, the other eagerly endeavoring to save their Constitution and country, exhibit to our view a state of things which presupposes passion, strife, and tumult. That government which the collected wisdom, virtue, and patriotism of the United States originally planned, and which we flattered ourselves was established in its operation under the auspices, the skill, the pre-eminent virtues and singular talents

Optimism of the Republican party

The Federalists despair of the Republic

1801

of the Father of his Country, is now the sport of popular commotion,—is adrift, without helm or compass, in a turbid and boisterous ocean. To be prepared against the hour of its shipwreck, or to bring it back in safety to its wonted haven, the Federal party must also unite, be watchful and active." So little faith had honest men that they looked fearfully for the coming dissolution.

Jefferson reads the auguries

Meanwhile Republicanism went serenely on its way. Two days after the inauguration, Jefferson wrote to Dickinson: "The storm through which we have passed has been tremendous indeed. Our fellow-citizens have been hoodwinked from their principles by a most extraordinary combination of circumstances. But the band is removed; they now see for themselves." In a letter to Dr. Priestley he gives more clearly his interpretation of the change in politics. "We can no longer say there is nothing new under the sun. For this whole chapter in the history of man is new. The great extent of our republic is new. Its sparse habitation is new. The mighty war of public opinion which has rolled over it is new. But the most pleasing novelty is, its so quietly subsiding over such an extent of surface to its true level again.

Satisfied of the strength of the Republic

The order and good sense displayed in this recovery from delusion, and in the momentous crisis which lately arose, really bespeak a strength of character in our nation which augurs well for the character of our Republic; and I am much better satisfied now of its stability than I was before it was tried."

1801

Enthusiasm over the inauguration

The 4th of March, 1801, was a day of rejoicing in the middle and southern States; nor was New England without signs of latent enthusiasm. Bells were rung, there were speeches by popular orators, there were bonfires and processions. Even in the new capital then rising in the wilderness there was uncommon animation. Citizens from the surrounding country had been assembling for two or three days preceding the ceremony, and every house in the town was filled. At daybreak the Washington artillery fired a salute, and at ten the Alexandria riflemen gathered in front of Conrad's boarding-house, where the President-elect lodged, to escort him to the Capitol. Shortly before noon the procession started. The "man of the people," surrounded by officials and friends and escorted by the militia, proceeded slowly to the Capitol, cheered repeatedly by the assembled citizens. As he entered the building the artillery salute was repeated; when he entered the Senate Chamber the members of Congress arose; Burr took his place on the left of the Vice-President's chair; Jefferson rested in it for a moment, then rose and delivered his inaugural address.

Jefferson's personal appearance

Before considering the speech, it will not be amiss to examine more closely the man who was the typical American Democrat of his time. In 1801 Thomas Jefferson was fifty-eight years old, though his years sat lightly upon him. He was tall, slender, loosely built, with what Maclay described as a "shackling air." His complexion was ruddy, with sandy hair framing a frank open

1801

countenance; eyes that looked out upon the world with a friendly, sympathetic gaze, not without the cynical expression of one who has discovered the real values of many things. Jefferson was somewhat awkward and shy in manner; without the gravity so much affected by his contemporaries, but inclined toward the other extreme. He was an incessant talker, rambling in his discourse but constantly scattering brilliant sentiments and useful information. Tastes scholarly by nature, a good education, a constant interest in all forms of human activity, a wide domestic and foreign acquaintance, and a democratic spirit, had combined to produce a citizen of the world in this third President of the United States. With these excellencies there were also defects. Ordinarily of generous disposition and almost feminine gentleness and sensitiveness, Jefferson exhibited in some instances a persistent rancor and intense animosity that no argument or facts could remove. He was habitually careless in his statements, nearly neutral in many of his opinions, exhibited little deference for some of the ideas most dear to the men of his own generation, and was unnecessarily secretive in many of his public relations, thus giving color to some of the serious charges made by his enemies.

The personal characteristics of the new President

A citizen of the world

An iconoclast

Jefferson's speech was not a declaration of war, but sounded rather a note of peace and conciliation. His intention, repeatedly expressed in his correspondence, was to restore "harmony and social love" throughout the country, to allay the

The inaugural address

1801

apprehensions of men by appealing to those Republican doctrines which were universally believed. The Federal leaders were beyond hope; but he would be easy with them, even with the New England clergy, the object of his persistent and bitter aversion. The President referred briefly to the contest which had preceded the election. Since the choice had been determined by the voice of the people expressed in a constitutional manner, all would doubtless arrange themselves under the will of law, and unite in common efforts for the common good. While it was a sacred principle that the will of the majority must prevail, that principle to be right must be reasonable; the rights of the minority were no less sacred and were entitled to the same protection. "Let us then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and life itself are but dreary things." European convulsions had produced their effect even in distant America, and the people had been divided in their opinions as to the measures of safety. A difference of opinion was not, however, a difference of principle. All were Republicans, all were Federalists. It was the fear of some honest men that the government was not strong enough; in fact, however, it was the strongest on earth, for every man at the call of law would fly to the support of law.

Harmony and conciliation the watchwords

Republicans and Federalists are one

In conclusion, Jefferson stated the political creed by which the administration would be guided, —a creed that is as sound and true a guide to-day

1801

The political creed of the new administration

as in 1801. "Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-Republican tendencies; the preservation of the general government in its whole constitutional vigor, as the guardian of our peace at home and safety abroad; a jealous care of the right of election by the people; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force, the vital principle of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of public reason; freedom of religion, freedom of the press, freedom of the person under the protection of *habeas corpus,* and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment.

The principles of the Revolution

Should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety." 1801.

The inaugural in expression and sentiment was thoroughly Jeffersonian. The author had been held up to public gaze as an enemy of religion, of morality, of law and order; as a supporter and defender of the anarchy of the French Revolution. There were wide-spread predictions of the disorder that must necessarily ensue were he elected to the Presidency; yet Jefferson's most acute and inveterate enemies knew that there was not a vestige of truth in the charge. Standing squarely upon the platform of the inaugural, the new President, with the same marvelous political insight and skill that had hitherto served him so well, began to detach the great mass of moderate Federalists from that party, to unite them upon general principles with his own followers into a single nation; for however opinions may differ as to Jefferson's part in the work, the birth of American national feeling was in his time. Yet Jefferson's democracy was systematic, and proceeded from a deep-seated hatred of the old régime. The convulsions of the French Revolution were to him the "agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty," and the price was not too great to pay for freedom. Monarchy, with its attendant ceremonies and useless expense, he believed to be the source of most of the oppression of humanity in the past,

Misrepresentations of Jefferson's views

His hatred of monarchy and its symbols

1801 and an altogether baleful institution. No monk of the Middle Ages believed more firmly in the existence of the Devil than did the Republican President in the evil potency for corruption inherent in courtly ceremony, and in the efficacy of republican signs to exorcise the evil spirit.

The President's household studiously informal

In pursuance of this idea, the simple ceremony of President Adams' dignified court was to be replaced by the customs of the Virginia planter,—a generous, undiscriminating hospitality without regard to persons and dignities. The President's table was lavish, the President's house was open to all, and the President's guests need look for no recognition of rank or station. In appearance, Jefferson was as ostentatiously informal as his household. Senator Plumer of New Hampshire made his first visit to the President in December of 1802, and was not a little shocked by the lack of dignity displayed. "In a few minutes after our arrival a tall, high-boned man came into the room. He was dressed, or rather undressed, in an old brown coat, red waistcoat, old corduroy small clothes much soiled, woolen hose and slippers without heels. I thought him a servant, when General Farnum surprised me by announcing that it was the President." If native Americans were a little puzzled by this garb of right democracy, foreigners without information could hardly be expected to value rightly these republican symbols. Fortunately, of the few powers then represented at Washington, but one (Spain) had a minister, and the Marquis of Casa Yrujo was sufficiently

Also his owndress

acquainted with American and even Republican ways. The other countries—England, France, and Denmark—were represented by secretaries who had little ground for feeling slights to their official dignity. 1801

Anthony Merry came to Washington as minister from Great Britain in November of 1803, and in his monarchically diplomatic uniform was presented to the President in his republican heelless slippers and a dress "indicative of utter slovenliness and indifference to appearances." Merry was convinced that his reception was an intended slight to the sovereign he represented. Mrs. Merry was much offended by the entire absence of precedence or formality, and generally by the "canons of etiquette" which the President had set up to govern his democratic society and preserve the true "spirit of equality"; the Spanish minister joined in the chorus of protest, but nothing could induce Jefferson to change his methods or his views. **The Republican canons of etiquette**

No measure of the Federalists had angered their opponents so much as the so-called midnight appointments of John Adams. After receiving assurances of a moderate policy of removal from office, the party in power deprived the incoming President of all patronage with which he might satisfy the majority of his followers, who were especially emphatic in their demands since they had been rigorously excluded from all public employment. Jefferson adopted a few rules, which he adhered to throughout his administration with

1801

moderate consistency. Those who had been appointed after the results of the election were known were to be removed, with others who were guilty of misconduct or partisanship; but no changes were to be made for simple differences of opinion. Since the judicial positions had been filled by the late President, his successor appointed Republican attorneys, that some of the officers of the national tribunals might be of the dominant party. It was in accordance with this policy that Alexander J. Dallas was appointed District Attorney for the State of Pennsylvania, and Edward Livingston for New York. The justices of the peace for the District of Columbia had been nominated March 2, the Senate had confirmed them, the commissions were signed but were not delivered; and the attempt to secure one of them by writ of mandamus led to the case of Marbury *vs.* Madison, famous among the early decisions of the Supreme Court.

Jefferson's policy with regard to appointments

The removal of Elizur Goodrich from the collectorship of New Haven was the cause of the chief outburst of criticism, and was notable for the incidents which led up to it as well as for the interesting correspondence that ensued. Goodrich was one of the class of appointees to which the President had decided to show no mercy; he was a capable official, and in politics a moderate Federalist, but his good qualities could not save him. When his place was given to Samuel Bishop, then seventy-seven years old, a committee of New Haven merchants protested in a letter which was

The collector of New Haven

1801

Abraham Bishop accuses theFederalists of plotting monarchy

perhaps unnecessarily harsh. The appointment was a reward, they said, for the zeal of Abraham Bishop, a young lawyer, a recent graduate of Yale College, who had delivered an address before the Phi Beta Kappa Society and another at Wallingford in which he expressed extreme Republican principles. Bishop contended that the army, the merchants, and the clergy were forcing the substance of monarchy upon the people; that the Federalists of New England, the Pope and the Cardinals of the Catholic Church, and the Jews who crucified Christ, were all actuated by the same principles. "Church and State still twine together, Moses and Aaron find it profitable to walk hand in hand." Success waited upon the favor of the clergy, public opinion was controlled by them, people were in awe of them, yet there was much hypocrisy in New England; and the world, the flesh, and the Devil tilled their fields even in Connecticut. "Ye self-styled friends of order, see Jefferson and Burr in the Presidential chair, and remember that the language of your falling brethren and your dying cause to you is: 'Be ye also ready.' " It was, said the Federalists, to reward the youth who expressed these sentiments that Elizur Goodrich was removed from office.

In his reply to the protest of the merchants, Jefferson discussed the general theory of the tenure of office; and in this particular case pointed out that Samuel Bishop had held and was then holding important offices in the gift of the State,

1801

which fact should be sufficient to demonstrate his fitness. "During the late administration, those who were not of a particular sect of politics were excluded from all office; and when public sentiment at length declared itself, was it to be imagined that the monopoly of office was still to be continued in the hands of the minority? Does it violate their equal right to assert some right in the majority also? Is it political intolerance to claim a proportionate share in the direction of public affairs? If a due participation of office is a matter of right, how are vacancies to be obtained? Those by death are few; by resignation none. Can any other mode than that of removal be proposed? This is a painful office, but it is made my duty, and I meet it as such. It would have been a circumstance of great relief, had I found a moderate participation of office in the hands of the majority. I would gladly have left to time and accident to raise them to their just share. But their total exclusion calls for prompter corrections. I shall correct the procedure; but that done, I shall return with joy to that state of things when the only questions concerning a candidate shall be, Is he honest? Is he capable? Is he faithful to the Constitution?" Jefferson has been styled the father of the spoils system; but a careful examination of the changes made by him will show that he adhered with much constancy to the principle herein expressed.

Jefferson enunciates his theory of tenure of office

Not the author of the spoils system

In 1797 the United States had obtained a treaty with the pirate ruler of Algiers by the payment

of an immense sum of money and a new frigate, the *Crescent;* but the annual tribute was now overdue, and in 1800, when the *George Washington* with Bainbridge in command sailed into the harbor of Algiers, the Dey was angry and hostile. Moreover, he was in disfavor with his lord and master the Sultan, and Bainbridge was ordered to go to Constantinople bearing presents from Algiers to appease the Sultan's wrath. The American commander endeavored by every means in his power to escape the humiliating task, but without success, and presently the flag of the United States was seen in Turkish waters. The visit was not without effect, for Bainbridge and his crew were favorably received, and took back with them to Algiers letters of protection which made their later relations far more friendly.

1800 et seq.

Relations with Algiers

Meanwhile the President had sent Dale, with four of the six vessels which then constituted the American navy, to Tripoli to protect American commerce against threatened depredations. Dale's appearance was timely, for the Tripolitan vessels were waiting off Gibraltar for any merchant ships of the United States. A schooner belonging to the enemy was taken; but since war had not been declared, the vessel was dismantled, her guns thrown overboard, and with the survivors of the crew on board she was sent into the harbor of Tripoli, as a warning against further piratical attempts. Another use for the navy was much condemned. Thomas Paine was then in Paris, poor and in some personal danger, and above all

Hostilities with Tripoli

Thomas Paine

1801

desirous of seeing his native country. France would have been rid of him gladly, and English ships were anxious to take him prisoner. Jefferson sent "Beau" Dawson of Maryland to France with the amended and adopted treaty, and offered Paine an opportunity to return in the American vessel. Paine was much touched by the courtesy, which was perhaps due to the author of *Common Sense* and *The Crisis,* but did not accept. Upon his return to the United States he exerted some influence, due to his activity in the Revolutionary period; but soon sank into obscurity, having barely escaped greatness.

Jefferson's principal appointments were somewhat delayed. Before the inauguration it was known that Madison would have the department of State, Gallatin the Treasury. Massachusetts received two of the four officers in Levi Lincoln, the new Attorney-General, and Henry Dearborn, Secretary of War; Joseph Habersham of Georgia was continued in the Post-Office for a time, under orders not to employ Federalists, but was succeeded later by Gideon Granger of Connecticut. Robert Smith of Maryland became Secretary of the Navy. In this Cabinet there was no suspicion of intrigue. Three retained office for eight years, and during that time there was not an unpleasant word or thought. To Jefferson, however, they were no more than advisers. He ruled them as imperiously as Washington had controlled his later Cabinet, and they were anxious to conform to his views. The diplomatic service was reduced

Organization of the Cabinet

Its harmony and subordination

by recalling the ministers to Holland, Portugal, and Prussia; Charles Pinckney was sent to Spain, Robert R. Livingston to Paris, while Rufus King was retained at London. 1801

The popularity of the new administration was shown sufficiently by the local elections. The Republicans were victorious in the State of New York and in the city of Boston; Rhode Island broke the solid ranks of New England by going over to the enemy, while Vermont showed signs of wavering, and so general were the gains that the Republicans had a majority of four in the Senate and of nearly two to one in the House. The administration as constituted was one of the ablest in American history. The theories of the President were held in check by the conservatism of Madison, who was in fact a moderate Federalist. Gallatin has had no superior except Hamilton in the list of men who have presided over the Treasury department; and unlike Hamilton, he served a long political apprenticeship in the Legislature of his own State and in Congress. The other members of the Cabinet were men of respectable abilities, who were appointed from districts where the Republican party was weak and where great gains might be made. There were great differences, also, within the party itself. Republicanism in New England was vastly different from the Republicanism of Virginia; and these differences of opinion, lightly controlled, were at last fused into a single feeling and sentiment, Americanism.

Republican local gains

Madison a balance to Jefferson

1801

The seventh Congress was the first to assemble at the new capital; and among the members of the Senate was George Logan from Pennsylvania, apparently uninjured in popular favor by his amateur diplomatic efforts. Wilson Cary Nicholas was the leader for the administration in the Senate, while Randolph, Giles, Samuel Smith, and Nicholson of Maryland were the most prominent Republicans in the House. The choice for Speaker of the House fell upon Nathaniel Macon of North Carolina; a man of moderate views, not always in full agreement with his party, yet an eminently safe man for the position at a time when conciliation and harmony were so important for the future welfare of the Republicans. Jefferson substituted a written message for the speech that had been customary during the preceding administrations; actuated, he said, by the inconvenience of the situation, and a desire to relieve Congress from the embarrassment of immediate answers upon subjects not yet fully understood. Back of the reasons expressed for this custom, which has been followed ever since, was doubtless the purpose to dispense with that ceremony which had been adopted from British practices, and which had been so often criticised by the Republicans as an evidence of monarchical tendencies.

The seventh Congress

Jefferson addresses Congress by a written message

Foreign relations formed the subject of the first part of the message; together with an unusual paragraph upon the Indians, in which the President noted that civilization was making some progress among them, and that their numbers had

1801

begun to increase. Conditions within the United States showed an amazing increase in population and revenue, which would seem to warrant a removal of internal taxes. "These views of reducing our burdens are formed in the expectation that a sensible and at the same time a salutary reduction may take place in our habitual expenditures. For this purpose, those of the civil government, the army and navy, will need revisal." Jefferson proceeded then to illustrate his political theory.

Reduction of taxation

"When we consider," he said, "that this government is charged with the external and material relations only of the States; that the States themselves have the principal care of our persons, our property, and our reputation, constituting the great field of human concerns,—one may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service which they were meant to promote. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burthen which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge, that it never may be seen here that after leaving to labor the smallest portion of its earnings on which it can subsist, government shall itself consume the whole residue of what it was instituted to guard."

Retrenchment in civil organization

In pursuance of these ideas of retrenchment and payment of the public debt, the reduction of

1801

the army and navy was suggested, with the encouragement of the sale of public lands, and a general review of public offices in order to abolish all those which were not strictly necessary. Jefferson recommended to the attention of Congress the reorganization of the Judiciary, and presented a list of cases then pending before the courts.

Reorganization of the Judiciary

Jefferson's political skill never appeared to better advantage than in the message. He believed that the underlying principle of Federalism was consolidation of government in the hands of a class; that this consolidation led straight to monarchy, which was the ideal of the Federalist leaders. He believed that Federalism had entrenched itself in the Judiciary, where the remains of the party "were to be preserved and fed from the Treasury; from this battery all of the works of Republicanism were to be beaten down and erased." Moreover, the will of the people had been declared, and the Executive and Legislature had been changed; but the courts, on every occasion, were driving the nation into consolidation. Yet whatever his personal opinions might be, to declare them would arouse the now latent antagonism of the leaders of the opposition, and the fears of the mass of the people who had attributed to Jefferson ideas dangerous to the very life of the government. On the other hand, a change based upon motives of economy, shared by both parties, appealed to the people and was a source of strength.

Based ostensibly on motives of economy

In accordance with the suggestions of the message, Congress limited official incomes derived

1801–2

Army and navy reduced

from fees, reduced salaries, cut down the army to two regiments of infantry, one of artillery, and a corps of engineers about which grew up the military academy at West Point. The appropriations for the navy were greatly reduced; other savings brought the expenses of the government down to five millions, instead of the seven and a half millions of the preceding administration. Internal taxes were reduced or removed entirely, though the opposition in the House fought determinedly to save some parts of the system, even to the extent of proposing that the United States assume the claims due from France which had been given up under the recently signed treaty with Napoleon. This assumption agreed to, some special provision would be necessary to raise the money, and a part of the system of taxation might be retained. The Republicans were determined, however, and all methods of saving were adopted which were consistent with the demands then being made by the war and system of police necessary in the Mediterranean.

Internal taxes cut down

The Judiciary under fire

On the 4th of January, 1802, the subject of the Judiciary was introduced in the Senate by a resolution of John Breckenridge of Kentucky, one of the most noted Republican members and a strong supporter of Jefferson's theories. Statistics submitted by the President showed that but about fifteen hundred cases were before the Federal courts in June of 1801, and many of these arose from causes which no longer existed. Settlement of British debts was almost completed,

1802

the Alien and Sedition acts had expired, and the repeal of much of the excise law would decrease the number of violations of revenue regulations.

Breckenridge attacks the Judiciary law as unnecessary

Breckenridge argued from two theses: first, that the Judiciary law was unnecessary and improper; and second, that the courts established by it could and should be abolished. The average number of suits before the courts yearly in the past ten years had been about eight hundred, and the number was decreasing. Where then was the necessity for multiplying judges? Moreover, the jurisdiction of the courts of the United States was limited and should be limited. In England, twelve judges in three principal courts were found sufficient for all the business of the kingdom, a business in amount far greater than that in the United States. Congress had the right to abolish these courts; for by the Constitution, power was given to establish inferior courts at discretion, and the power to create must necessarily involve the power to abolish.

Gouverneur Morris defends it

Gouverneur Morris made an able defense of the existing system. As to the expense, if the total cost of the new establishment were divided among the people of the United States it would amount to one cent for each individual, surely a small sum to pay for efficient courts. The old system was impossible, for it required rather the agility of a post-boy than the learning of a judge; men so advanced in years could not travel from one end of the continent to another. However, the chief end of the Judiciary was to prevent an

1802

invasion of the Constitution by unconstitutional laws, and on this ground the speaker hoped to arrest the victory of those who wished to overthrow the Constitution. The theory that Congress might destroy an office from which it could not remove the incumbent, Morris declared to be absurd on the ground of reason and the Constitution. When a compact was made it must be performed, or the whim of the moment would become the law of the land. "We are," he said, "about to violate the Constitution. Once touch it with unhallowed hands, sacrifice but one of its provisions, and we are gone. We commit the fate of America to time and chance."

Repeal unconstitutional

In the House the burden of opposing the repeal of the act fell to Bayard. He believed that the repeal arose in a desire to weaken the general government for the advancement of the States; that designs existed to reduce the army to a shadow, to give the navy to the worms, to abolish the mint, to make the revenue depend upon the winds and waves, to make the judges the creatures of party. Every act of the preceding administration had been represented as a crime. No evidence had been adduced to show that the judges had transgressed the bounds of their duties, or to show that they had preached Federal doctrines from the bench as had been charged. The ministers, it was said, had been active in disseminating the heresies of Federalism. Were they to be attacked also? were the people to be deprived of both law and gospel? Where would this system of reform end?

Bayard champions the law in the House

1802

"The Constitution may have its enemies, but I know it has also its friends. I beg the gentlemen to pause before they take this rash step. There are many, very many, who believe, if you strike this blow, you inflict a mortal wound on the Constitution. There are many now willing to spill their blood to defend that Constitution. Are gentlemen disposed to risk the consequences? Will they risk civil dissension, will they hazard the welfare and jeopardize the peace of the country, to save a paltry sum—less than $30,000?" Bayard was answered by Randolph; the debate continued intermittently until the 3d of March, when the act passed the House by a majority of twenty-seven. Another bill provided for a single session of the Supreme Court, to begin in August of each year; for six circuits instead of three, and in each of these the courts were to be held by a single justice and a district judge.

The Judiciary law repealed

The Supreme Court curbed

The former naturalization act was repealed, and the old period of five years' residence substituted for fourteen; a room was provided in the Capitol for the Library of Congress, and $5000 appropriated for the purchase of books; provision was made for extending the privilege of copyright to designs, etchings, engravings, and prints. By a law of April 30, 1802, the people of the eastern part of the Northwest Territory were authorized to form a government, to adopt a constitution, and assume a name under which they might be admitted to the Union. The new State was to be bounded on the west by a line drawn

Naturalization made easier

A new State out of the Northwest Territory

1802

directly north from the mouth of the Great Miami, to meet an east and west line drawn through the southern extremity of Lake Michigan to the Pennsylvania boundary. In return for exemption from State tax for five years, which tended to increase the sale of public lands, one section in each township was given to the inhabitants for maintaining public schools; certain reservations were given to the State to be used for the people, and one-twentieth of the proceeds of the sale of public lands within the State was to be devoted to the building of roads between tidewater and the new commonwealth.

Mutual concessions between State and Union

Within the Territory itself there were two parties, who were either followers or opponents of St. Clair and were in national politics Federalists or Republicans respectively. The Territory was strongly Republican; the issue was State or no State; and the convention which met at Chillicothe in November of 1802 decided, with but one dissenting vote,—that of Ephraim Cutler,—to form a constitution and a State government. The constitution was constructed hastily, was adopted November 29, and Thomas Worthington was appointed as agent of the State to report the results of the convention to Congress. The first elections were held January 11, 1803; the first assembly met at Chillicothe March 1. Edward Tiffin was elected governor. On October 17, 1803, the two Senators and one Representative of the new State took their seats in Congress, and the various stages in the admission of Ohio were complete.

The State of Ohio organized and admitted into the Union

1802

Domestic affairs

Before the close of the session, the President announced the peaceful settlement of the claims of Great Britain and the United States, by which a balance of more than three millions remained as a tangible evidence of the good accomplished by the much-maligned Jay treaty. Pennsylvania had passed an Intrusion Act, which operated against the settlers in the Wyoming grants and caused an ineffectual appeal to Congress. The Board of Commissioners for the city of Washington was displaced by a superintendent, to be appointed and controlled by the President. Meanwhile in Europe war clouds were gathering, and a crisis was forming in foreign relations beside which the difficulties with the Barbary States were of the smallest significance. Two questions were involved, the future of Louisiana and the status of neutral trade. By great good fortune the administration of Jefferson was enabled to secure the western part of the valley of the Mississippi; but in the subsequent contest over the second of these questions, all the theories of the philosopher President were brought to ruin.

Portents of trouble abroad

CHAPTER LXI.

THE LOUISIANA PURCHASE

1780

The essential factor in the development of the West was the free navigation of the Mississippi and its tributaries. The people beyond the mountains were in general loyal to the government; but they became mutinous and bitter as soon as they fancied that this, their vital need, was neglected or in anywise endangered. Nature had made of them a nation apart, and for years their allegiance was more or less uncertain because it rested finally upon this question. Men of the age of steam railways and electricity are slow to understand the full effect of these and other similar inventions, which destroyed local interests, made possible an immense inter-state trade, and contributed in no small degree to the spread of national feeling. In Jefferson's day, transportation to the seaboard across the mountains cost more than the ordinary product was worth; but the entire yield of a season might be taken down the river on a flatboat at a small expense.

The West set apart by the mountains

The use of the Mississippi its vital need

American statesmen understood from the first the full importance of the back country. "Poor as we are," Franklin wrote Jay in 1780, "yet as I know we shall be rich, I would rather agree with Spain to buy at a great price the whole of her right

Franklin to Jay

1780 et seq.

on the Mississippi than sell a drop of its waters. A neighbor might as well ask me to sell my street door." Seven years later Jefferson said, "I never had any interest westward of the Alleghany, and I never will have any. But I have had great opportunities of knowing the character of the people who inhabit that country, and I will venture to say that the act which abandons the navigation of the Mississippi is an act of separation between the Eastern and Western country. It is a relinquishment of five parts out of eight of the territory of the United States." After twenty-two years he again wrote: "There is on the globe one spot the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market; and from its fertility it will ere long yield more than half of our whole produce, and contain more than half of our inhabitants."

Jefferson warns against the abandonment of the Mississippi

Spain had fulfilled the conditions of the treaty of 1795 with ill-tempered reluctance; had loosed her grip upon commerce on the Mississippi, had evacuated Chickasaw Bluffs, Walnut Hills, and Natchez, and had opened New Orleans to the Americans as a port of deposit. Immediately a thriving "up-river" trade began. Great quantities of flour, grain, meats, and tobacco came down by flatboat to be shipped to the West Indies, to the Atlantic coast, or to trans-Atlantic ports. The shipments of cotton, tobacco, and flour alone through New Orleans in 1801 were said to amount to $1,600,000. The valley of the Ohio was filling up rapidly from

Importance of the trade through New Orleans

the Eastern States, and streams of wealth began to flow to the up-country. To the disgust of the Spanish authorities, not even scanty tricklings came to their ever-ready receptacles; for staple articles paid no duty, and to smuggle dutiable goods was no difficult matter. True, the privilege of free entry at the port of New Orleans had been guaranteed for three years only; at the end of that time Spain might revoke the concession on substituting another port, but the three years went by and American privileges were undisturbed. 1801

About the middle of the year 1801, disquieting rumors began to be heard,—rumors of the transfer of Louisiana to France. And there were forebodings and gloomy speculation as to the result. The arrangement with Spain had been as advantageous as could be expected from a foreign country in control of the mouth of the Mississippi. France could do no more; but would not that militant republic do less, even perhaps carry its hostility to the point of the occlusion of the river? William C. C. Claiborne had recently been appointed governor of Mississippi Territory, and to him Jefferson wrote in July of 1801: "With respect to Spain our dispositions are sincerely amiable and even affectionate. We consider her possession of the adjacent country as most favorable to our interests, and should see with extreme pain any other nation substituted for them." If the cession had actually taken place, Jefferson was resolved upon the blandest manners towards his new neighbors until their general attitude might become

France an unwelcome neighbor

Jefferson's affectionate disposition toward Spain

1801

known. Therefore Livingston, our new minister to France, was instructed, September 28, 1801, to dissuade the First Consul gently, on grounds of expediency, from the acquisition of Louisiana. If however the cession had actually been made, and the Floridas were included, he was to urge the sale of one or both of the Floridas to the United States,—an arrangement which would give access to the Gulf, and go far to remove the ill-feeling consequent upon the rumors of retrocession.

Livingston's instructions

To all attempts to find out the facts of ownership, Talleyrand replied that the cession "had been a subject of conversation, but that nothing had been concluded." These assurances he repeated with an emphasis which in itself indicated that the opposite was the case; and the conviction, strengthened by other circumstances, grew upon Livingston that the cession had been made. By January a copy of the treaty had come into his hands. Rufus King had also forwarded a copy from London the preceding November, though with some doubts as to its genuineness. Talleyrand persisted in his course of denial or silence, and the government at Washington was alternately in hope or fear. The pacific Jefferson and the timid Madison were no match for the ex-bishop of Autun and the Corsican.

Talleyrand denies the cession

His deceit alienates Jefferson

The attitude of the French government was not without effect, however, upon the President and his advisers. This policy of cool dissimulation, following the disgraceful conduct of the Directory during the preceding administration,

1802

He threatens a British alliance

had weakened the confidence of the warmest supporters of France. Jefferson, who had suffered much because of his pro-Gallic sympathies, had so far met with rebuffs or shifty evasions. Threats against France were unusual from his pen; yet in April, 1802, wearied apparently of the interminable diplomatic correspondence, he wrote to Livingston: "The day that France takes possession of New Orleans fixes the sentence which is to retain her forever within her low-water mark. It seals the union of two nations who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation."

But considers peace more important than Louisiana

This alliance was most distasteful and most humiliating to one who had been pointing out for ten years the certain danger to liberty arising from too great intimacy with England; but Jefferson did not consider that the necessity of such a union was immediate. In October, 1802, writing again to Livingston, he said: "We see all the disadvantageous consequences of taking a side, and shall be forced into it only by a more disagreeable alternative. We wish therefore to remain well with France. No matter at present existing between them and us is important enough to risk a breach of the peace,—peace being indeed the most important of all things for us, except the preserving an erect and independent attitude." Yet it was high time to publish the banns between England and the United States; for France had been for eighteen months the owner of Louisiana,

1799 et seq.

though Jefferson knew it not. To be prepared, however, for what was suspected, Livingston had been instructed in May to attempt to secure New Orleans as well as the Floridas.

France clings to the hope of colonial empire

Meanwhile, what was the real situation which gave rise to these rumors, so alarming even in their uncertainty? France had never willingly given up Louisiana, nor had she ever lost hope of one day regaining it. Talleyrand had brought back from his American exile dreams of a greater colonial France; and it was due perhaps to his efforts that repeated but vain attempts had been made by the Directory to secure the retrocession of Louisiana,—to effect which at one time, indeed, only money was needed. The Consulate followed the Directory, and established Napoleon's power after an exceedingly doubtful crisis. Another who profited by this same revolution of November 9, 1799[1] (18th Brumaire), was Talleyrand, who had retired from the office of foreign affairs, partly because of the disgrace following the exposure of the treatment of the American envoys.

Talleyrand knew that no European power could long control central North America without

[1] Bonaparte reached France safely in October of 1780, after deserting the ill-fated Egyptian expedition. Late in the same month he went to Paris, and at once entered into the conspiracy to change the government. The Senate tried to ward off the blow by electing Napoleon's brother Lucien as its president; but the plot moved forward steadily, and on November 9, the Constitution of the year III. came to an end. The Consulate was established with Napoleon, Sieyès, and Roger-Ducos as consuls; but the two latter were not willing to recognize the supremacy of Napoleon, and were therefore replaced by Cambacérès and Lebrun.

checking the expansion from the Atlantic seaboard; he regretted that the west bank of the Mississippi was in the hands of a weak nation like Spain, wholly unable to cope with the United States, and he had been persistent in his efforts to secure control of Louisiana. When he returned to office he found Napoleon wearied of "old Europe," which was all too narrow a field for his gigantic projects, and presently filled the First Consul with enthusiasm for his scheme of French aggrandizement in the West.

1799 et seq.

Talleyrand shares his enthusiasm with Bonaparte

The King of Spain was Don Carlos IV.; an excellent mechanic, a mighty hunter, a pious, methodical man,—one of whose many virtues was a blindness to the faults and follies of his queen, Luisa of Parma, who, court gossips said, ruled the King and was in turn ruled by her lovers. One of these had been Manuel Godoy, now turned from feats of love to those of diplomacy, and who for his services in the latter was known as the Prince of the Peace. Godoy had made the treaty of 1795 with the United States, had used his influence for the speedy fulfillment of its provisions, and had resolutely declined all overtures from France which had for an object the transfer of Louisiana. Talleyrand had succeeded in driving Godoy from office, and after the 18th Brumaire the way was again open for negotiations.

The situation in Spain

Napoleon's victories made it possible for him to offer an apparently substantial return to Spain for Louisiana. The Prince-presumptive of Parma, the son-in-law of Don Carlos, was to be

The price of Louisiana

1800

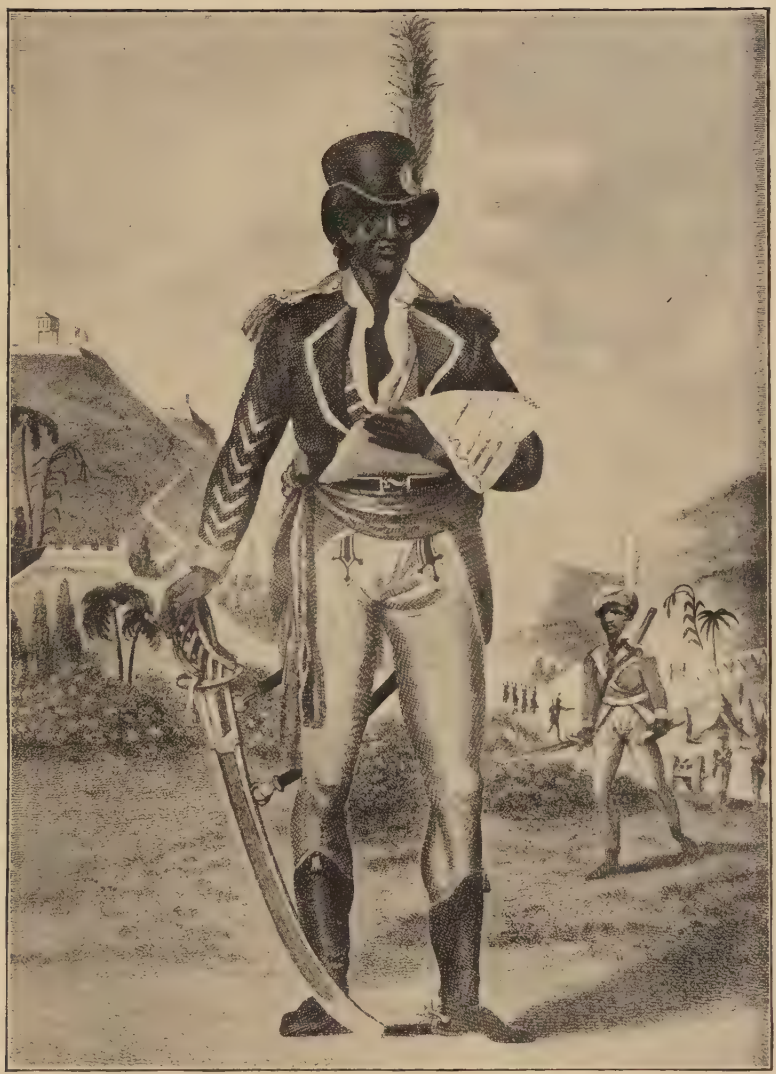
given the title of King of Etruria, with Tuscany or the three ecclesiastical provinces,—Bologna, Ferrara, and Romagna,—a little kingdom, to contain not less than a million souls. The Queen was delighted over the prospective greatness of her family; and Don Carlos himself was hardly less enthusiastic, since France guaranteed the agreement of those States which might have a right to object,—a consent to be obtained when a general peace was made. In return Spain was to transfer Louisiana, "with the same extent it actually has in the hands of Spain and had while in the possession of France, and such as it should be according to the treaties subsequently passed between Spain and the other States." Talleyrand had hoped to get the Floridas as well; but these Don Carlos held to be national domain which he had no right to alienate. Louisiana, on the other hand, had been a gift to his father and was at his own disposition.

Bonaparte offers new lamps for old

But fails to obtain the Floridas

The treaty of San Ildefonso, ceding Louisiana, was signed October 1, 1800, the day after that of Morfontaine, which Joseph Bonaparte negotiated with the United States. One treaty nullified the other. France west of the Mississippi meant not only the alliance of the United States with England upon the sea, but a policy in the West which must of necessity have led to war or to a separation of the West from the States eastward of the Alleghanies. This contradiction of treaties was to Napoleon and Talleyrand a matter too trifling to be noticed. If the United States could be kept

The treaties of San Ildefonso and Morfontaine



TOUSSAINT LE/OUVERTURE.

in ignorance of the transfer until France was prepared to defend the territory, if Spain could be forced to give possession at once, the ends of France would be gained. As for the obligations toward the other States, according to Napoleon's theories they might be postponed indefinitely or disavowed. By the treaty of Madrid, March 21, 1801, the retrocession was confirmed, and Tuscany was definitely ceded to the Prince of Parma.

1801

The cession confirmed by the treaty of Madrid

The new King of Etruria found himself a stranger in his own domains. France and Spain had recognized him, but no one else, while his territories were held for him by French troops. Godoy, who had again taken up the management of foreign affairs, refused to complete the cession of Louisiana until France had complied with the conditions of the treaty; and Napoleon, though angry at this unexpected interference with his plans, dared not begin hostilities solely on account of it, for France was already exhausted. There were other reasons also why peace was a necessity to Bonaparte. He was disappointed in his hopes of securing military control of Portugal, through Spain his ally. Paul I., the Czar of Russia, was assassinated in March of 1801. Early in April the British fleet under Parker and Nelson was successful at Copenhagen; and finally, on September 2, the last of the French troops in Egypt surrendered to the English upon promise of being sent home with the honors of war. Peace alone would furnish an opportunity to recuperate and to develop the projected colonial scheme.

But not consummated

Bonaparte unable to enforce compliance at once

1802

The ten-years' war of the Revolution ended with the peace of Amiens, March 25, 1802. France was controlled by an unscrupulous, selfish, but transcendent military genius. The theories of equality, liberty, and human rights were to be violated severally by a military despot raised to power by a revolution no less significant than those which had preceded; but a revolution without bloodshed, and with a burst of splendor and grandeur which so dazzled men's eyes that the real meaning of the event was obscured.

The peace of Amiens

Among the provisions of the treaty of Amiens was one by which Guadaloupe, Martinique, and the French Antilles were restored to France. With these in his control, Bonaparte decided to attempt the recovery of San Domingo, where Toussaint l' Ouverture, the leader of the revolt of the blacks, had become a military dictator by steps singularly like those which Napoleon was taking in France, and who had afterward given a constitution to his island kingdom. Napoleon was not fond of being compared with this "gilded African," who had taken the Corsican for his model, but who possessed humanity, sincerity, justice, and truth, qualities to which the First Consul had but feeble claims.

France reinstated in the West Indies

In November, 1801, General Leclerc, husband of Napoleon's sister Pauline, sailed for San Domingo with an army of 10,000 men, and the work of subduing the island began. The French brought and published a proclamation from the First Consul, which was intended to disarm those whom

Leclerc sails for San Domingo

he afterward meant to destroy. It began thus: "Whatever your origin or your color, you are all French; you are all free and are all equal before God and before the Republic." At the same time Leclerc's instructions directed him to re-establish slavery, and his conduct from the first was marked by the blackest treachery. An attempt was made to win Toussaint by the entreaties of his two sons, who had been sent to France to be educated and were now held as hostages by the French commanders. But Toussaint, fearing a snare, refused to submit, and was presently accused of personal ambition which would eventually bring destruction upon his followers. Hostilities began in February of 1802, and were marked by scenes of ferocious cruelty similar to those of the French Revolution. By March the French had control of the greater part of the island, and signalized their victory by an order which restored to former proprietors their authority over the negroes upon their estates, with the result that war again broke out with renewed vigor on both sides. Leclerc realized his mistake, and by another proclamation in April quieted the blacks; and in May a general peace was made with Toussaint and his followers, by which the sovereignty of France in San Domingo was acknowledged. Toussaint was given especial permission to retire to any one of his estates, and hopes were expressed that he would favor the French administration with his advice. This letter was written the 8th of May; and on June 10, 1802, Toussaint

1802

Leclerc's perfidy

The French reconquer the island

Toussaint captured by treachery

1802-3

was captured, taken to France, confined in the fortress of Joux near Besancon, where in April, 1803, he fell a victim to the hardships of his captivity.

The First Consul prepares to occupy Louisiana

Confident of the speedy reduction of the island after the downfall of Toussaint, Bonaparte in June ordered an expedition to be prepared to take possession of Louisiana, under cover of reinforcing the French troops in San Domingo. The task of reducing the island was by no means accomplished, and the blacks were aided in their struggle by a deadly and persistent ally. The yellow fever broke out among the French troops, and thereafter detachment after detachment served only as food for the destroyer. By the end of 1802 the estimated losses were 40,000; the successive bodies of recruits, made up for the most part of young conscripts, unequal to such warfare, were soon confined to garrison duty; and by April, 1803, the French cause was hopeless.

But San Domingo consumes his army

Demands the delivery of Louisiana

Meanwhile the First Consul had once more demanded the delivery of Louisiana, and had obtained a promise, conditional first upon the recognition of the King of Etruria by the powers, and second upon a solemn engagement never to transfer it to any other power, and to return it to Spain in case the Prince of Parma failed to retain the estates made for him by the treaty. Talleyrand hastened to consent to all that was asked. As for Louisiana, he assured the court of Madrid that their wish in this respect perfectly conformed with the intentions of the French government,

1802-3

which had parted with this province in 1762 only in favor of Spain, and had wished to recover it only because France held to a possession which had once formed a part of French territory. "You can declare," he wrote to the French minister in Spain, "in the name of the First Consul, that France will never alienate it."

Spain consents to deliver Louisiana

Accordingly, on October 15, 1802, the King of Spain signed the order for the transfer of Louisiana to France; but the army of occupation was not ready, nor indeed was it likely to be. The contest in San Domingo still raged furiously, and troops could not be sent there fast enough. Leclerc died, worn out by the cares and difficulties of the task. Rochambeau, who had once lived on the island and was supposed to know the conditions, succeeded to the command, but accomplished no more than Leclerc. Bonaparte continued to respond to the calls for reinforcements until February, 1803, when the expedition for Louisiana lay ice-bound on the coast of Holland, and Europe already betrayed signs of a crisis.

But France is unready to take it

The spoliation claims against France

While Livingston was seeking a way through the tortuous and dark by-paths of diplomacy affected by Talleyrand and the war-lord of Europe, he was also endeavoring to secure recognition of the spoliation claims of American citizens against the French government. This question the treaty of Morfontaine had left to be determined by later negotiations; but Bonaparte, who saw no reason for paying claims of any sort, chose to set off this contention against the provisions of the old treaty

1802

of alliance of 1778, and since the United States expressed a desire to have these obligations annulled, Napoleon insisted also upon the dismissal of the claims. The lot of the American minister was not a happy one. In a fit of exasperation, he wrote, September 1, 1802: "There never was a government in which less can be done by negotiation than here. There is no people, no legislature, no counsellors. One man is everything. He seldom asks advice, and never hears it unasked. His ministers are mere clerks, and his legislators and counsellors parade officers. Though the sense of every reflecting man about him is against this wild expedition [for the occupation of Louisiana], no one dares to tell him so. Were it not for the uneasiness it excites at home, it would give me none; for I am persuaded that the whole will end in a relinquishment of the country and transfer of the capital to the United States."

Livingston's opinion of the French government

Shortly before the second session of the seventh Congress opened, December 6, 1802, startling news reached Washington, which threatened the peace that Jefferson had been so sedulously guarding. Governor Claiborne of the Mississippi Territory reported that on October 16, Morales the Intendant of New Orleans had closed that port to American commerce, alleging that the privilege of deposit was merely a gratuitous one, given solely because of the war between Spain and England at the time of the treaty of 1795. As the three years for which it was specifically granted had long since expired, the publication of the treaty

Rumors of the closure of the Mississippi

1802

of Amiens removed all excuse for a toleration inconsistent with the colonial policy of Spain. Consequently, disregarding the opinion of his colleague, Governor Salcedo, the Intendant proclaimed the right of deposit at an end. The motive for this action was sought at once. Was this the work of an arbitrary colonial officer, who, acting upon his own responsibility, thus flung defiance in the face of the United States? Was the act authorized by the Court of Madrid? Was it voluntary or dictated by the First Consul? Conjecture was for the moment lost in indignation. Kentucky and Tennessee demanded the forcible seizure of New Orleans, and war; the Federalists joined in the clamor, glad of the opportunity to embarrass the administration. Hamilton proposed an immediate seizure of all the Spanish territory east of the Mississippi as a measure of retaliation. Charles Pinckney, minister at the Spanish court, was instructed to obtain from that government an immediate disavowal and revocation of the Intendant's action; but the glacial mood of the old-world diplomacy did little to cool the heated spirits of the West.

The West demands seizure of New Orleans

Satisfaction asked of Spain

Outwardly the philosophic calm of the President was undisturbed. In his message he informed Congress that "the cession of the Spanish province of Louisiana to France will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the Legislature connected with that subject"; but while he thus sought to

Jefferson remains imperturbable

1802-3

soothe the intense exasperation of the West, he saw with alarm the possibility of radical action before his pacific negotiations could secure results. In Congress the leaders of the administration had great difficulty in restraining the war party. Senator Ross expressed a common sentiment when he said: "Why submit to tardy, uncertain negotiation as the only means of regaining what you have lost? When in possession you will negotiate with more advantage. Let us go and redress ourselves and we will have the whole nation with us. On no question since the Declaration of Independence has the nation been so unanimous as upon this." "Go down and take New Orleans," said another member. "Put a check on this Intendant until we can hear from Europe. Remove obstructions to navigation immediately, and take the Floridas as well as New Orleans."

The war party for self-redress before negotiation

Gouverneur Morris favored peace, but thought more of national honor. The greatest man of the age was at the head of the French nation. It had been said that the principle of the country was peace and commerce; but upon the principle of submission there could be neither peace nor commerce. Moreover, Spain had no right to introduce a neighbor dangerous to the United States without her consent; and Bonaparte at the same moment when he was signing a treaty with the United States was also introducing sources of the deepest hostility. The United States should have taken Spain and the Floridas as soon as the right of deposit was withdrawn.

Submission can not bring peace

1803

Resolutions were introduced intending to urge the government to immediate action, but these were displaced by others of confidence in the President. The feeling of the people was not easily allayed; but the House showed its willingness to appropriate whatever might be necessary to secure New Orleans and West Florida, while the Senate approved the nomination of James Monroe as minister plenipotentiary to France and Spain. This appointment was to some extent an atonement for the rebuff of Monroe by a preceding administration; Monroe's own opinions respecting the West and his acquaintance in France were elements of no little strength. Congress at last settled down to routine. An act of February, 1803, confirmed titles within the territory ceded by Georgia to Mississippi, and provided for the settlement of claims. The system of surveys adopted in Ohio was to be used in Mississippi; and the territorial legislature presently organized the counties of Adams and Washington, which were to develop into the States of Mississippi and Alabama.

Congress approves the plan to buy New Orleans and West Florida

Monroe sailed for Havre de Grace in March of 1803, with instructions for the guidance of himself and Livingston. These provided for the purchase of New Orleans and the Floridas; for which, should France consent to sell, they were authorized to offer any sum within ten millions, with a guarantee of the remaining territory. Should France refuse to part with all that was wanted, a proportionate sum was to be offered for a desirable port near the mouth of the Mississippi. In

Monroe's instructions

1803

case no territory could be obtained, the envoys were to secure the right of deposit on the Mississippi, and the extension of the right to the rivers flowing from the United States through Florida. Somewhat more than a month later, after a Cabinet consultation, Madison sent supplementary instructions for the guidance of the ministers in case France should deny the right of navigation of the Mississippi, or refuse to designate a port of deposit. If an appeal to arms seemed probable, they were to sound the British government and invite an alliance; but if France allowed navigation of the river while refusing a port of deposit, the question of peace or war was to be left to Congress. Madison's letter also contained the encouraging news that Spain had ordered the right of deposit to be restored pending negotiations, an arrangement which relieved the dangerous pressure in the West.

The right of deposit restored

Until he received word that American commerce had been denied admission to New Orleans, Livingston had followed the plan of disparaging Louisiana, "an immense wilderness," and endeavored to disgust the First Consul with his bargain. At the same time he pressed for the cession of New Orleans and the Floridas to the United States, for he supposed the Floridas included in the transfer of the territory to France. In January of 1803 he proposed that France cede New Orleans, West Florida, and Louisiana above the Arkansas, retaining the remaining part of Louisiana and East Florida; and hinted at Jefferson's

Livingston tries to cool Bonaparte toward Louisiana

idea of league with England. "France," he said, "by grasping at a desert and an insignificant town, and thereby throwing the weight of the United States into the scale of Britain, will render her mistress of the New World." Somewhat later Livingston proposed to make the isle of Orleans a separate State under the protection of England, France, and the United States, wherein each was to have equal rights. Both of these plans were Livingston's own, and neither produced the slightest visible impression.

1803

Livingston's futile proposals

"With respect to a negotiation for Louisiana, I think nothing will be effected here," Livingston wrote in despair in March of 1803; yet even as he wrote, events were preparing a consummation for which the most sanguine American never hoped. The failure in San Domingo had prevented the occupation of Louisiana, and had turned Napoleon against colonial schemes. Moreover, the peace of Amiens, never very solid, seemed on the point of immediate rupture. On the same day that Livingston wrote so hopelessly, the First Consul had provoked an angry scene with Lord Whitworth, the British ambassador, declaring, "I must have Malta or war." On April 8 Livingston transmitted to the French government the proposed resolutions of Senator Ross urging the immediate seizure of New Orleans. Two days later Bonaparte summoned two of his ministers, and asked their opinions on the question of selling Louisiana to the United States. He believed that England would lose no time in taking the territory from

Livingston in despair

The First Consul disgusted with colonies

1803

France in the impending war, and regarded the colony as already lost. Napoleon's brothers, Joseph and Lucien, had protested vigorously against the sale on the grounds of unconstitutionality, and with some show of regard for a solemn promise; but the First Consul, without consulting them, instructed Barbé-Marbois, the minister of finance, to open negotiations with the American minister.

Marbois instructed to make the sale

Livingston was fairly startled out of countenance when on April 11, 1803, Talleyrand suddenly inquired whether the United States would not buy the whole of Louisiana. "No," Livingston replied, "only New Orleans and the Floridas; but it would be to the interest of France to add the country above the Arkansas." Talleyrand rightly believed that the country without New Orleans would be of little value, and repeated his question; but Livingston was not prepared to answer. He thought we should not object to 20,000,000 francs ($3,862,500) provided the American claims were satisfied. This seemed a small sum; but Livingston, still stunned by the offer, excused himself from further statements before the arrival of his colleague, Monroe.

Talleyrand sounds Livingston

During the day, however, Livingston attempted to get a direct offer from Talleyrand; but was told that Louisiana was only a contemplated acquisition, and that the question of sale was broached on Talleyrand's own responsibility. This the American minister said he was glad to hear, because the Americans would not get into

But refuses to commit himself

a difficulty with France if they took the desired territory by force; and he was inclined to hope that hostilities had actually begun. For once Talleyrand was disconcerted, but still refused to commit himself more definitely. 1803

The following day, April 12, Monroe arrived; but before he could present his credentials and enter formally into the negotiation, Marbois had informed Livingston of the duty with which he was intrusted. The terms of the First Consul were 100,000,000 francs ($19,300,000) and a release of the claims. This Livingston thought exorbitant, but believed that the United States would buy for a reasonable sum; and Marbois offered to submit an offer of sixty millions and the spoliation claims to the amount of twenty millions. Marbois offers terms for the sale

When Livingston examined the commissions and instructions which Monroe had brought, he was embarrassed to find that the two ministers were empowered to treat only for territory on the east bank of the Mississippi. Moreover, his own plan of the cession of land north of the Arkansas was passed over in silence; not, as he feared, because it was disapproved, but because it had not yet reached America. The First Consul's wishes, expressed in a note of April 13, were that the United States should pay 100,000,000 francs, assume the claims, and give France six ports of deposit with the perpetual right to the free navigation of the river. After some bargaining the sum was finally fixed at 80,000,000 francs ($15,450,000), of which 20,000,000 francs were to be employed in settling Livingston finds the commissions inadequate

But he and Monroe assume the responsibility

1803

the claims. Monroe was presented to the First Consul May 1, and on the 2d the treaty of cession, with the convention for the payment of sixty millions was signed; the agreement concerning the claims was signed about a week later, but all three documents were antedated to April 30.

The terms of the treaty of cession

The treaty ceded Louisiana in the terms of San Ildefonso, "with the same extent that it now has in the hands of Spain and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and the other States." The inhabitants were to be incorporated into the Union, and admitted as soon as possible to citizenship; for twelve years the ships of France and Spain carrying the products of these countries were to be admitted to the ports of Louisiana, and French vessels were always to have the same treatment as those of the most favored nation. The first convention provided for the creation and transfer to the French government of stocks to cover the payment of the sixty millions due to France; the second provided for the claims of American citizens for spoliations before September 30, 1800, the date of the treaty of Morfontaine.

Which promotes the United States to first rank

"We have lived long, but this is the noblest work of our whole lives," said Livingston as the three negotiators arose after signing the treaty. "From this day the United States take their place among the powers of the first rank; the English lose all exclusive influence in the affairs of America." "Sixty millions for an occupation that will

not, perhaps, last a day!" was Napoleon's remark, which showed the regret he felt at giving up his colonial ambition; but he said with some satisfaction, "I have just given England a maritime rival that will sooner or later lower her pride." 1803

Meanwhile the State Department, uncertain as to where the true key was to the situation, had not ceased to press the Spanish court for a cession of New Orleans and the Floridas. On the suggestion that the territory had not been ceded to France, the United States offered to guarantee to Spain the lands on the west bank of the Mississippi; but Cevallos, the Spanish secretary, replied that "His Majesty's system did not permit him to dispose of any portion of his estates." Finally, saying nothing of the promises of Bonaparte concerning the kingdom of Etruria and the alienation of Louisiana, Pinckney, the American minister, was told that the United States must address themselves to the French nation.

The United States asks a cession of Spain

Spain conceals her conditions of sale

The surprise and indignation with which Spain received the news of the cession was not feigned. September 4, Yrujo, the Spanish minister, communicated to the government at Washington the promise of France not to alienate Louisiana; and later in the same month a protest because the stipulation as to the Prince of Parma had not been fulfilled. These complaints were just so far as France was concerned, but with respect to the United States were too late. Spain was reaping the reward of her own conduct. France had

And protests in surprise against the new sale

1803

doubly broken her word by selling an estate for which she had not paid, and had promised never to alienate; but Spain had referred the United States to France, and had not urged her objections until the bargain was complete.

Spain's protests remain without effect

As for Bonaparte, small satisfaction was obtained by Spain in return for her complaints. His reply was that of the wolf to the lamb. Spain had troubled his Mississippi water by opening it to the Americans after a promise that it should remain closed. The First Consul had seen the closure with "warm satisfaction"; and Spain, prizing highly in every way "the applause of the French government," had not seen fit to inform him that the right of deposit had been restored. Napoleon could do as he pleased with Spain, for she could not make war on France.

Jefferson favors an amendment to the Constitution

The great news of the cession reached the United States late in June, 1803, and at once brought up the question of ratification. Jefferson had already been led—perhaps by Gallatin's influence—to express in confused phrases, indicative of his own uncertainty, the opinion that the Constitution offered no barrier to the acquisition of new territory, but that when the time came for incorporation into the Union an amendment would be safest. Incorporation was specifically mentioned by the treaty, and the President prepared an amendment which should make the treaty legitimate. It began, "The province of Louisiana is incorporated with the United States and made a part thereof";—and it provided further that the

territory north of 32° was to be reserved for the Indians, while the remainder was to be erected into a territorial government whose inhabitants were to have the rights of citizens of the United States. With Gallatin's arguments out of mind, Jefferson wrote to John J. Breckenridge: "The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive, in seizing the fugitive occurrence which so much advances the good of this country, has done an act beyond the Constitution. The Legislature, in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing unauthorized what we know they would have done for themselves had they been in a situation to do it. But we shall not be disavowed by the nation, and this act of indemnity will confirm and not weaken the Constitution, by more strongly marking out its lines."

1803

The Constitution to be confirmed by an amendment

Within a week, however, letters from Livingston alarmed Jefferson by suggesting that France might use any hesitancy in ratification as an excuse to escape from fulfilling the treaty. The President at once warned his confidants against discussing the question. "I infer that the less we say about constitutional difficulties respecting Louisiana, the better, and what is necessary for surmounting them must be done *sub silentio*." He nevertheless submitted to the Cabinet a draft of a constitutional amendment which provided

Which must be made in silence

1803 that Louisiana should be made a part of the United States; admitted its inhabitants to citizenship; reserved the territory north of the Arkansas for the Indians; and incidentally provided for the admission of Florida whenever it might be rightfully obtained.

The Republicans no longer see salvation in strict construction

By this time the Republicans in Congress had begun to see a great light upon the interpretation of the Constitution, and Jefferson's opinion of the necessity of an amendment failed to meet with a cordial response. September 3, one of the inner circle of the President's friends, Wilson Cary Nicholas, wrote to him: "Upon an examination of the Constitution, I find the power broad as it could well be made (Sec. 3, Art. IV.), except that new States cannot be formed out of the old without the consent of the State to be dismembered; and the exception is a proof, to my mind, that it was not the intention to confine the Congress in the admission of new States to what was then the territory of the United States. Nor do I see anything in the Constitution that limits the treaty-making power, except the general limitations of the powers given to the government and the evident objects for which the government was instituted." The writer in conclusion urged Jefferson not to express the opinion that the treaty was unconstitutional, lest the Senate should reject it, or lest the ratification if concluded be used against the party.

In reply, Jefferson enunciated his favorite theory in unmistakable language. After giving due weight to Nicholas's arguments, he added:

"I consider that the limits of the United States are now precisely fixed by the treaty of 1783; that the Constitution expressly declares itself to be made for the United States. I cannot help believing the intention was to permit Congress to admit into the Union new States which should be formed out of the territory for which, and under whose authority alone, they were then acting. When an instrument admits two constructions: the one safe, the other dangerous; the one precise, the other indefinite,—I prefer that which is safe and precise. I had rather ask an enlargement of power from the nation where it is found necessary, than assume it by a construction. Our peculiar security is in possession of a written Constitution. Let us not make it a blank paper by construction." This was the Jefferson of 1798; but the Jefferson in power appears when he adds, "But if our friends think differently, certainly I shall acquiesce with satisfaction, confident that the good sense of our country will correct the evil of construction when it shall produce the effects." With these words, the last upon the subject, the responsibility was handed over to "our friends"; nor has the good sense of the country failed to anticipate and prevent the evils of construction.

1803

Jefferson prefers safe and precise construction

But is satisfied to leave it to the good sense of the country

The new treaty made a profound sensation, so significant was it of enormous consequences. "Be the results what they may," wrote Breckenridge to Nicholas, "the acquirement of this country is the most brilliant thing ever achieved—to double the extent of an empire already large without the

1803

loss of a man, and, I confidently believe, without the expense of a dollar (for the port of Orleans will reimburse the fifteen millions in fifteen years), and without for a moment affecting the ordinary operations of the fiscal concerns of the country, is an event which wisdom and good fortune have now for the first time exhibited."

The Republicans elated by success

A vigorous minority did not share in the general exultation. The very immensity of the country inspired dread. "A world, and such a world!" said Senator Tracy of Connecticut; and Stephen Higginson believed that the Virginia faction had formed a desperate plan to govern and depress New England. When Congress met, the Republicans had a ruling majority in both houses; and, intoxicated by the magnitude of their success, laid aside once for all their old jealousies and fears for the States, holding that the general government had the right to acquire territory which thereby became a part of the general territory held under the Constitution. Moreover, they based this conclusion on the treaty-making power, on the "general welfare" and "necessary and proper," clauses of the Constitution, the precise doctrine of the extreme Federalists.

Discard their jealousy of the general government

Which the Federalists adopt

These in turn adopted Jefferson's esoteric doctrine that while the government might acquire territory, an amendment to the Constitution was necessary to admit such territory into the Union. The treaty which provided for the admission of Louisiana was therefore invalid. They believed the preference given to the ships of France and

1803

The passing of the old Republicanism

Spain to be unconstitutional, and they feared the very vastness of the new country. A vote in the Senate of 26 to 6, and in the House of 89 to 23, enabled the President to take possession of Louisiana. By such a majority was a Republican Congress fain to adopt, and a Republican President compelled to approve, an act which, in the words of John Quincy Adams, was "an assumption of implied powers greater in itself, and more momentous in its consequences, than all the assumptions of implied powers in the twelve years of Washington's and Adams' administrations put together." It was in fact the death-knell of the Republican doctrine.

Louisiana transferred to France

French inhabitants of Louisiana, meanwhile, feared a change in the social order and a possible repetition of the horrors of San Domingo. Laussat, who had been sent to receive the province, complained of their lack of zeal; and just as the attitude of the people was becoming more favorable, wrote that a gross calumny was circulating to the effect that the territory had been transferred to the United States. November 30, the Spanish officials and the French prefect, the clergy with the civil and military officers, appeared in the city hall of New Orleans, and the province was formally yielded to the French Republic. On the same day Laussat proclaimed the sale to the United States; soon afterward the Spanish troops were withdrawn from the posts, which were garrisoned by volunteer American militia commanded by the younger Daniel Clark, and some

And the cession to the United States proclaimed

1803

companies of French Creoles. On Thursday, December 20, the formal possession took place. The American commissioners, Claiborne and Wilkinson, and the troops, were saluted as they entered New Orleans. Credentials were examined, the treaty read, and the keys of the city given to Claiborne, who congratulated the people upon becoming citizens of the United States. As the three officials appeared upon the balcony of the city hall, the French flag was lowered, the Stars and Stripes raised. When they passed in mid-air another salute was fired, a small company of Americans waved their hats and cheered. The French occupation had lasted twenty days; the magnificent daydream of a colonial empire was dissolved.

The Stars and Stripes raised over New Orleans

While discussing the terms of the treaty, the American envoys had objected to the vague definitions of the extent of Louisiana. The First Consul's answer to Marbois, who came to him for instructions, was characteristic: "If an obscurity did not already exist, it would perhaps be good policy to put one there." Accordingly, the French negotiators confined themselves to the words of the treaty of San Ildefonso; observing that the country was mainly a wilderness tenanted by savages, and the question of the boundary might well be left to the future. Livingston questioned Talleyrand closely about the eastern boundary; but the sum of his satisfaction was: "I can give you no direction. You have made a noble bargain for yourselves, and I suppose you will make the most of it."

The First Consul refuses to guarantee the boundaries of Louisiana

1803

The projected extent of the French occupation

As a matter of fact, the French government knew with sufficient precision the boundaries which it would have claimed. Secret instructions drawn up for the guidance of General Victor, commanding the intended army of occupation, directed him to take possession of the tract between the Iberville and the Rio Bravo (Rio Grande), the western limit being undetermined above the thirtieth parallel. Victor was thus to leave West Florida untouched; but was to occupy the territory to which France had impotently attempted to assert a claim on the grounds of La Salle's discovery and abortive attempt at colonization at St. Bernard's Bay (Espiritu Santo), but which Spain had held by tenure of continuous occupation since 1721. It does not appear that Spain was ever aware of these instructions, and her reception of such an interpretation of the cession can be only a matter of conjecture.

Marbois had at first (April 13, 1803) assented to Livingston's desire that the Floridas, if ceded to France, should be transferred to the United States, or that France would assist the United States to acquire them from Spain; and moreover, while uncertain as to the Floridas, he was certain that Mobile was included in the cession. Later, not only was the promise of French help withdrawn, but all definitions of boundaries were refused; and the American commissioners not unnaturally began to examine the provisions of the treaty for arguments in support of their own desires. As a result, Livingston announced, May 20,

1803

1803, that the Perdido was rightfully the eastern boundary; for Louisiana in the hands of France had once extended to the Perdido, and the cession by France to England of her territory east of the Mississippi had taken place on the same day that she ceded the territory west of that river to Spain.

Jefferson seized eagerly upon this argument, adding the comment that Spain on gaining possession of East and West Florida was said to have joined the latter to Louisiana in administration; "Louisiana with the same extent that it now has in the hands of Spain" must extend to the Perdido. Jefferson was equally convinced that the Rio Bravo was the true western boundary; but the acquisition of the Floridas had long been the favored idea in Virginia and the South, consequently the western claim was urged languidly, or in order to afford a counterpoise to the Spanish hold upon the Floridas. The chief value of the claim to Texas was that it might be abandoned as an inducement to Spain to part with the Floridas.

Jefferson convinced that Louisiana extends to the Perdido and the Bravo

The most immediate result of the Louisiana purchase was shown in Congress by the changed attitude of the two parties. The Federalists had now to attack and the Republicans to defend the doctrine of broad construction. Jefferson's reasoning that a single fracture of the Constitution furnished proof of the ease with which it might be mended found no acceptance; while the Republicans, declining to apologize for their misconception of the nature of the Constitution, admitted that after all the property of elasticity existed.

The Republicans and Federalists exchange places

1803

The Federalists had chosen the sterile and barren side of the controversy, however, for while the Louisiana purchase was not a forerunner of the end of the Union as they feared, it helped to put an end to that sturdy but local patriotism which was at once that party's pride and undoing.

The Louisiana purchase fatal to State sovereignty

The remote results were divined at the time by the one party with apprehensive dread, by the other with exhilaration, but these results appeared as vast and vague prophecies. Had each party seen clearly, it would have seen the verification of the best, the worst, the wildest surmises. So long as the United States consisted solely of commonwealths which had once known an independent existence, and especially during the lifetime of men born citizens of these commonwealths, so long was the theory of State sovereignty an imposing and tenable one. It could have little hold, however, upon the Americans who were born citizens of the Union, within States destitute of tradition and history, States which were the artificial creations of the Union. No local pride could inspire "individual allegiance" to such a State; and such States were in the future to outnumber those that professed to believe in the doctrine of State sovereignty. For this change, by which the conception of national sovereignty became the dominant one, a party of strict-constructionists was responsible.

But promotes slave-holding

That the purchase would extend the field of slave-holding was one of the obvious deductions; and those who feared the extension of slavery might have seen as in a glass, darkly, the embodiment of

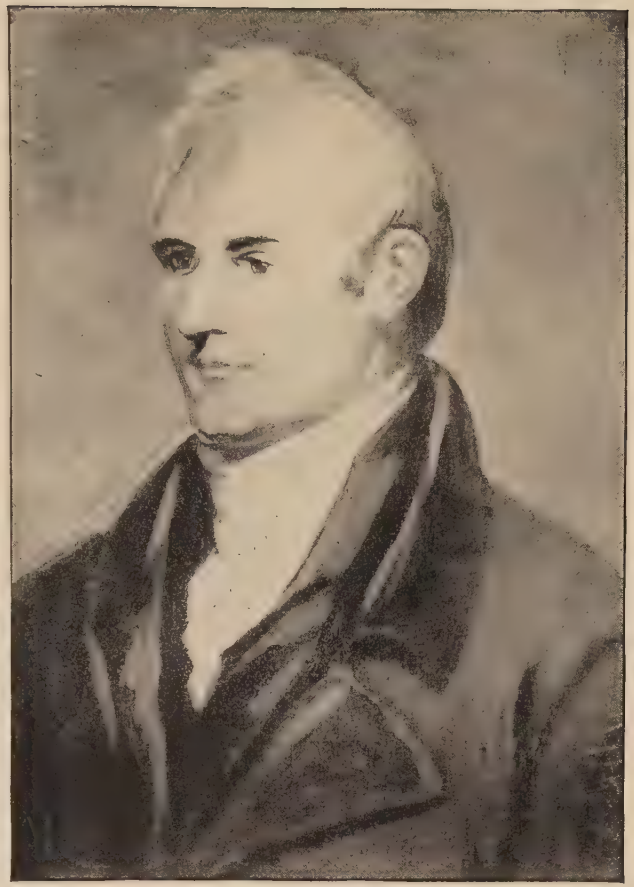
1803

the opinions which were to be the basis of the compromises in 1820 and 1850, which were to meet in conflict on the Kansas borders, and to close in deadly combat in 1861. Those who feared a conflict with Spain might have found a tardy confirmation of their fears in the occupation of Texas and the war with Mexico.

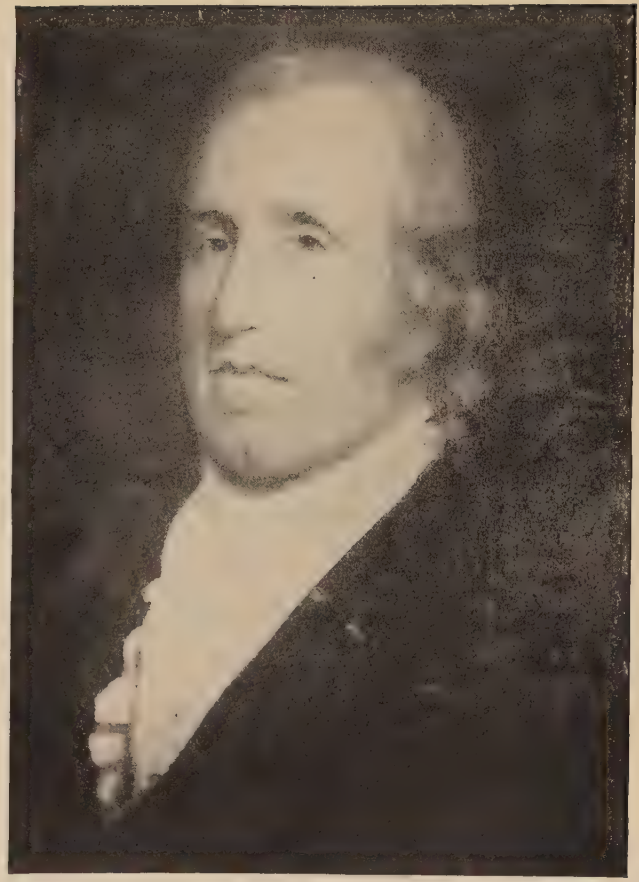
The danger that Louisiana might alienate its American pioneers destined never to be realized

One cause of apprehension, shared even by the friends of the purchase, was never realized. It had been said in the Senate that this great wilderness of Louisiana would seduce the young men of the country, and make aliens of them before it could be subdued and Americanized; that this vast expanse would by its vastness alone hold the people apart, and differentiate their interests. The reply was, that Congress could minimize the danger by prohibiting settlement beyond certain bounds. Jefferson, in his first drafts of a constitutional amendment, had provided that the territory north of 32° should be reserved for the Indians, and in his second draft set apart the lands north of the Arkansas for a similar use; but this danger, perhaps the most probable of all the doleful prophecies, was made impossible forever when, in the year 1807, Robert Fulton's steamboat, the *Clermont,* crept slowly up the Hudson River.

Yet the pioneer, in his eagerness to occupy the land, moved forward far in advance of steam, assisted in his journey by the information which the government supplied. Jefferson, always eager for scientific knowledge, had, in January of 1803, proposed to Congress an expedition for the



MERIWETHER LEWIS.



WILLIAM CLARK.

1804-6

exploration of the head-waters of the Missouri and to determine the nearest water-ways thence to the Pacific. A captain in the regular army, Meriwether Lewis, who had for some time served as Jefferson's private secretary, was selected to command the party; and with him was associated Lieutenant William Clark, the younger brother of the conqueror of Vincennes. May 14, 1804, the little party set out from St. Louis, and thence up the course of the Missouri through the country which later formed the States of Missouri, Kansas, Iowa, Nebraska, and the Dakotas. When the country of the Mandan Indians was reached, the explorers went into winter quarters until April 8, 1805, when they broke up their camp and proceeded westward. Captain Lewis sent back to Jefferson an account, written the day before the march was resumed, describing the progress so far made.

Lewis and Clark sent to seek the water route to the Pacific

From April, 1805, to August, 1806, the party was entirely cut off from communication with the civilized world; none but Indians had ever yet navigated the Missouri as far as the Yellowstone. Still following the Missouri, they came on the 28th of April to a place near the present town of Gallatin, where the river divides into three parts which they named the Jefferson, the Madison, and the Gallatin. The 27th and 28th were spent in part in dressing and making clothing of the deer-skins that had been collected, in hunting and in observing the country. The Jefferson was followed to its source in the Bitter Root Mountains, which they reached

Penetrate farther west than any white man before them

1805-6

in August, then crossed the divide to the Pacific slope. There they discovered the source of the Lewis or Salmon River, but this not proving navigable, they retraced their steps through the mountains to the Bitter Root River; thence from near its junction with the Flathead they reached the Clear Water River, and followed that to the Snake, which brought them to the Columbia. In November, 1805, they saw from the mouth of the Columbia the Pacific Ocean, with its "waves rolling like small mountains out in the sea."

The first to traverse the continent

The winter was spent on the coast, but with spring the march homeward began. Dividing as they passed the crest of the highlands, Clark with a part of the men took the Yellowstone on their route, while Lewis explored the sources of the Maria River. Shortly before the mouth of the Little Missouri was reached, the two bands were again united. On Saturday, August 14, 1806, the great village of the Minnetarees was reached, and the Indians were called together and invited to visit the United States, an invitation that none of them seemed inclined to accept. Here too the party took leave of the interpreter Chaboneau, and his wife, Sahcajahweah the Bird-Woman, who had accompanied the expedition all the way from the Mandan Fort to the ocean, carrying her child, which was only nineteen months old when the Mandan town was visited again in August of 1806. Both Chaboneau and his wife were of the greatest service among the Indians; for Sahcajahweah was by birth one of the Snake tribe, who had been taken

The successful end of the expedition

Sahcajahweah the Bird-Woman

in war by the Minnetarees. The rest of the journey was comparatively uneventful; and on Tuesday, September 23, at twelve o'clock, the travel-worn party reached St. Louis, where they received the "heartiest and most hospitable welcome from the whole village." 1805-6

During the same period, Lieutenant Zebulon M. Pike had been exploring the head-waters of the Mississippi under the orders of General Wilkinson. He left St. Louis in August of 1805 with about twenty men, and worked his way northward to the cluster of lakes near the head of the river, which he reached in January of 1806. The British and Indian inhabitants of the trading stations were warned that they were within the jurisdiction of the United States. Further observations were made until February 18, when the party turned back, reaching St. Louis in April, whence Pike reported his belief that Leech Lake was the principal source of the Mississippi. Soon afterward another and more arduous mission was imposed upon him. While escorting a delegation of Indian chiefs to their homes on the Osage River, and bearing an invitation to the Comanches to attend a conference at St. Louis, he was to explore to their sources the Arkansas and Red Rivers. Leaving St. Louis July 15, 1806, and accompanied by a small number of men as before, he made his way up the Missouri. From the Osage, where he left the Indians, his route led northwestward to the southern edge of Nebraska; thence south to the Arkansas, which he followed to its source. His

Pike explores the head-waters of the Mississippi

The Arkansas and the Red Rivers

1806-7

party then turned to the southwest in the dead of winter to search for the head-waters of the Red River, suffering intensely from cold, exposure, and want of food. In January of 1807 he reached the Rio Grande, believing it to be the Red River, and there was seized by the Spanish and taken to Chihuahua, where he was dismissed and allowed to return home.

The purchase gives rise to many problems

There were many complex problems arising indirectly from the purchase of Louisiana. Some of them demanded immediate solution, others could wait for years to come. There were two, however, which forced themselves upon the country at once: How was this vast territory to be viewed by Congress? Was it properly a dependency, or a part of the Union? Second, what attitude was the American government to take upon the questions arising from the unsettled boundary? The first demanded immediate attention, and involved in it the general theory of the competence of the government to legislate for and administer the territory. Jefferson's special message of October 21, 1803, informing Congress that ratifications had been exchanged, and suggesting the necessity of temporary provision for administration, had been anticipated by a day in the Senate by a bill enabling the President to take possession of the territory, and to appoint temporary officers, civil, military, and judicial. The opposition in the House contended that these powers were unconstitutional, but were met by a reply that they were certainly necessary. Louisiana, said the Republicans, is

The problem of administration and legislation

like so much conquered territory; therefore the governing power arises from the necessity of the case. They drew another argument also from the case of other territories, and passed the bill which, in the words of Benton, put "the President in the place of the King of Spain." 1803

The Federalists had now exhausted their stock of constitutional scruples; and the Republicans had no desire to involve themselves again in the "metaphysical subtleties" which they had "cast behind them." John Quincy Adams, supported by the Secretary of State, moved in November, 1803, a constitutional amendment for the admission of Louisiana to the Union; but no one paid any attention to it. "An amendment now," said Fisher Ames, "is like putting an artificial tooth in a dead man's head. I think the funeral can proceed very decently without it." Thereafter Congress proceeded upon the assumption that the treaty-making power was sufficient to place any acquired territory within their jurisdiction. The time for amendments past

In the last days of November, 1803, a motion was made in the Senate for the preparation of a frame of government for Louisiana. The bill which resulted from this motion was reported December 30, and provided for a division of the territory into two parts at the 33d parallel; the northern part was to be known thereafter as the District of Louisiana, the southern as the Territory of Orleans. The former was placed under the government of Indiana Territory; while the latter was made a separate government with a governor, Louisiana divided into two administrative districts

1803-4

secretary, legislative council of thirteen, and judges, all appointed by the President. Certain portions of the law were specifically extended to the "above-mentioned Territories." Jury trial was secured in capital cases, and in civil cases at the option of either party when the amount involved was greater than $100. Slaves might not be brought in "directly or indirectly," except such as were "the *bona fide* property of American citizens moving into the Territory for settlement." The importation of slaves from abroad was also forbidden under a penalty of $300 fine and the emancipation of the slave.

The frame of government

The House, objecting to the unlimited power of appointment vested in the President by the act, endeavored to confer the franchise upon the inhabitants of Louisiana; but the only change to which the Senate would agree was the limitation of the act to one year. An elective legislature for Louisiana had been expected; but the House committee disapproved, alleging the diversity of languages in different parishes, which, they said, would make a Babel of any assembly. The real reason was perhaps a disaffection among the people, which might make an elective legislature a field for French or Spanish intrigue. The people of Louisiana, sensitive and proud of their old traditions, felt bitterly the subjection in which they were placed, and quite naturally asked for the fulfillment of the clause in the treaty which declared that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States,

Inhabitants of Louisiana refused the franchise

and shall be admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." 1803-4

General Wilkinson, the temporary governor under the act of October 31, 1803, had not made himself acceptable to Louisiana. "He was," said Laussat, "a flighty, rattle-headed fellow, often drunk, who had committed a hundred follies." It was bad enough to be placed under such a magistrate without opportunity of appeal or redress; but this was a part of the inevitable annoyance resulting from a change of sovereignty, and would, the people thought, be speedily remedied. Great was their indignation and disgust when they learned that Congress had no intention of carrying out at once the treaty obligations. The division into two administrative districts was a subterfuge, they believed, to make more plausible the pretexts for not granting self-government; for while the District contained few inhabitants, the Territory had fully 50,000. Louisiana felt that she was entitled to the same treatment as that prescribed by the Ordinance of 1787 for the Northwest Territory, but saw herself denied even an elective legislature and a territorial delegate to Congress. It was true, however, that the people were unduly impatient, and expected a more rapid assimilation than their condition or the precedents and customs of Congress allowed.

General Wilkinson offends the Louisianians

Congress offends them further by withholding the suffrage

Claiborne, who was appointed governor of Orleans under the act of March 26, 1804, found

1804-5

difficulty in securing a quorum of his appointive council. The people of the Territory of Orleans, aggrieved at the supposed despotic government imposed upon them, sent to Congress a remonstrance expressing their sense of injury, calling for the repeal of the provision separating the District of Louisiana from the Territory of Orleans, for self-government, and for the privilege of importing slaves. The representatives of the District petitioned, in addition, for a property-owning governor, secretary and judges, conversant with both English and French; public records kept in both languages; an elective legislature and a delegate in Congress; the establishment of French and English schools and an institution for higher education; the enforcement of decisions rendered in Spanish courts before the cession, and the right of appeal with the assurance that final judgment would be rendered in accordance with the law at the time the suit was brought. In March of 1805, Congress so far assented to the petition of the Territory of Orleans as to grant the elective assembly and congressional delegate, with an assurance of statehood when the population should reach 60,000. With this concession the Territory was forced to be content.

Petitions of the Territory of Orleans and District of Louisiana

Congress concedes the franchise to Orleans

The question of boundaries was purposely avoided in the acts for taking possession and organizing the government of the territory. John Randolph had adopted, and defended in debate, Jefferson's opinion that Louisiana extended eastward to the Perdido; and on November 30, 1803,

The boundary question

1804

brought forward a bill for "laying and collecting duties on imports and tonnage within the territories ceded to the United States." The President was authorized "to erect the shores, waters, and inlets of the bay and river of Mobile, and of the other rivers, creeks, inlets, and bays emptying into the Gulf of Mexico east of the said river Mobile, and west thereof to the Passagorda inclusive, into a separate district." The President approved the bill February 24, 1804, and it only remained to drive home the entering wedge.

Mobile erected into a collection district

No demand had been made for the delivery of West Florida when Louisiana was turned over to the United States. When questioned, Laussat had said that the Iberville was the boundary. Spain had refused repeatedly to consider the alienation of the Floridas during the negotiations with France, and had but recently withdrawn her protest against the sale of Louisiana to the United States. It was not a matter of wonder, therefore, that Spain should consider the Mobile bill as a decidedly unfriendly act. Yrujo was having even more than the usual number of annoyances, notwithstanding his personal interest in the administration. The Mobile act was the last straw; and he brought it to the Secretary of State, angrily demanding its repeal. Madison, in his blandest way, explained that Spain's anger was premature and that the act was misinterpreted. Congress had expected the President to exercise the authority granted, only in the contingency that Spain's claims west of the Perdido should have been

Spain irritated by this claim to West Florida

1804 amicably extinguished; and that this meaning was especially indicated in the President's proclamation creating a collection district by the words *"lying within the limits of the United States."*

Meanwhile, relations with Spain were complicated further by the claims against that government for depredations on American commerce during Adams' administration. A partial settlement had been agreed to in 1802, but the news had reached Washington during the excitement consequent upon the suspension of the right of deposit at New Orleans. The Convention had been postponed, rejected, reconsidered, and again postponed; and finally, in January, 1804, had been ratified by the Senate long after the time fixed for acceptance. Spain, irritated by the cession and angered by the claim to West Florida implied in the Mobile act, had changed her ground, and declined to accept the tardily ratified agreement unless the United States should explicitly abandon the reserved claims and repeal the Mobile act. Pinckney threatened to ask for his passports, and hinted at hostilities. Spain turned to France for the support which she felt that she deserved; Napoleon authorized Talleyrand to reassure Spain with respect to both boundaries and claims, and Turreau, the new French minister at Washington, was instructed to announce the decision of his government.

The Senate at last ratifies the Spanish claims convention

Which Spain declines to accept

A little more than a year before, Talleyrand had been densely ignorant of the limits and bounds of Louisiana; but meanwhile had learned much, and

1804

now—August 8, 1804—stated that the French government had never been in doubt as to the extent of the province, which lay between the Iberville on the east and the Spanish outposts (Adaïs, etc.) on the west. Meanwhile Rufus King had been succeeded by Monroe at London, and no man knew more than he of the history of previous negotiations. In April of 1804 Monroe was directed to proceed to Madrid, there to assist Pinckney, as he had assisted Livingston at Paris. Spain was to be urged to relinquish West Florida; and since the American government had decided to consider the Perdido as the boundary, no compensation was to be offered. For the lands beyond the Perdido the United States would agree to assume claims of her citizens against Spain to an amount not to exceed $2,000,000; and while the American claim to Texas was to be asserted, Monroe was to suggest that the boundary be left undetermined for a period of thirty years.

Monroe sent to Madrid to negotiate for Florida

Title to West Florida assumed

The United States was not disposed to go to war, however, and Monroe was authorized to negotiate and conclude a treaty alone if Pinckney had already left. The administration believed that Spain, now being drawn into war with England because of the seizure of the Spanish treasure-ships, would be glad to agree to any sort of amicable terms. On his way to Spain Monroe stopped at Paris, where he learned in an unofficial way that the imperial government expected to turn the cession of Florida to its own profit. "Spain must cede territory, the United States must pay

France tries to profit by the situation

1804-5

money," was the remark of a man supposed to be in the confidence of the Emperor. To this demand in its various forms, Monroe replied that he was not authorized to conclude any negotiation which called for the payment of money; the United States would do no more than assume the claims against Spain. In December Talleyrand informed General Armstrong, the American minister to France, that the cession to France was a retrocession; that Spain could dispose of no more territory than she had received, and that, every one knew, lay west of the Iberville. The United States had chosen to assume their title to West Florida and to negotiate afterward; and "the result," Talleyrand added, with his delicate sarcasm, "his Imperial Majesty will learn with real interest." Such was the situation in January, 1805, when Monroe and Pinckney took up in Madrid the broken threads of previous negotiations.

Monroe deaf to hints

Talleyrand grows sarcastic

CHAPTER LXII.

JEFFERSON'S POLICY OF PEACE

1803

The eighth Congress was summoned by the President to meet in mid-October in order to give official sanction to the Louisiana purchase. Republicans were proud of their success, for the party had a majority of twenty-five in the Senate and sixty-nine in the House. New England was still the stronghold of Federalism, but the representation was neither so strong nor so vigorous as it had been in the past. In the Senate the strongest representation was from Massachusetts: John Quincy Adams, as independent in politics as his father had been before him, and stern Timothy Pickering, more firmly established than ever in ultra-Federal principles. Early in the session a petition was presented from various anti-slavery and abolition societies upon the subject of the slave trade, with a view to prevent importation of the blacks into Louisiana, and some necessary limitations and restrictions were secured. South Carolina had recently reopened the African slave trade, and it was proposed in the House to levy the constitutional tax of ten dollars on each slave, as a hindrance to the traffic. To this there were several objections; the most significant being from Macon, who contended that such a tax would seem

The eighth Congress

Urged to deal with the slave trade

1803-4

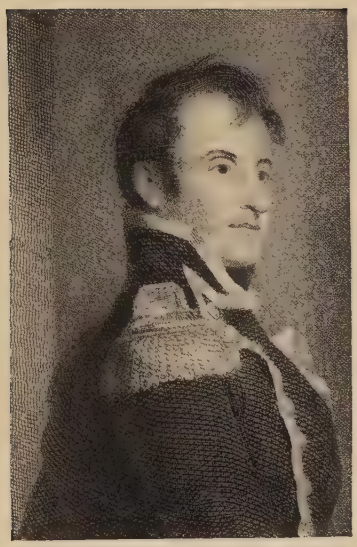
like an attempt to correct a State by putting it to the ban of the empire. So general was the opinion of the iniquity of the trade, that the Southern members, even those of South Carolina, would not undertake to defend it; and upon the statement that local action would be taken, the plan of taxation was dropped.

New Jersey passed a law freeing all persons born of slave parents after the subsequent Fourth of July; but while these forms of agitation were taking place in the East and South, the people of Indiana Territory were about to petition for the suspension of the clause in the Ordinance of 1787 which prohibited slavery. The matter was referred to a committee of which Randolph was chairman, which reported a belief in the "salutary operation of this benevolent restraint." At the next session another committee reported favorably upon the suspension of the clause for ten years, during which time slaves might be admitted to the Territory who were born within the United States, but their children should be free after a certain age. Congress did not act upon the recommendation, but it was not long until the introduction of slavery into Indiana and Illinois was again urged.

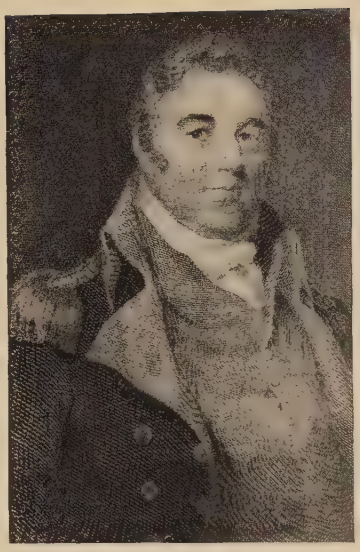
New Jersey frees her slaves

Indiana asks the introduction of slavery

The Yazoo claims came up for a settlement, which was defeated chiefly through the bitter and determined opposition of John Randolph; an opposition which led to a quarrel with Madison, and a gradual ostracism of Randolph by his own party. The constitutional amendment for altering the



STEPHEN DECATUR.



RICHARD DALE.

EDWARD PREBLE.

WILLIAM BAINBRIDGE.

method of choosing a President and Vice-President passed Congress at this session, and was soon after submitted to the States. The bankruptcy act was repealed, apparently to the satisfaction of all parties, but without allowing sufficient opportunity for testing the real value of the law. 1803-4

Meanwhile the little squadron left to act against Tripoli had done almost nothing. One vessel had been taken from the enemy; another had been destroyed. Four new ships which Congress had authorized were sent out to relieve the Mediterranean squadron. In August of 1804, the *Constitution* captured a Moroccan cruiser with an American prize, which revealed the belligerent tendencies of this particular pirate state. Commodore Preble, who determined to deal with Morocco first, sent the *Philadelphia* and a smaller vessel to blockade Tripoli, while he appeared before Tangier with a force which inspired respect and a wholesome regard for treaties. On the way to Tripoli, Preble heard of the disaster which had befallen the *Philadelphia*. Bainbridge, who was in command, had been chasing a Tripolitan corsair when his ship ran aground. All attempts to float or scuttle her were unsuccessful, and the *Philadelphia* soon became the prize of the Tripolitan navy. The officers were treated as prisoners of war, while the crew were sold into slavery. Soon afterward Stephen Decatur led in a brilliant and successful raid which resulted in the destruction of the captured vessel. A Tripolitan ketch was taken, fitted out and named the *Intrepid,* and

Operations against Tripoli

Bainbridge loses the "Philadelphia"

1804

with the *Enterprise* and *Syren* left the harbor of Syracuse for Tripoli. About midnight, February 16, 1804, the *Intrepid* entered the harbor. Decatur and his men boarded the *Philadelphia,* forced the crew to abandon her, set fire to the ship, and escaped through a storm of shot from the shore batteries without the loss of a single man. This bold deed added greatly to the prestige of the American navy, for no less an authority than Nelson called it "the most bold and daring act of the age."

Decatur fires the "Philadelphia"

During the summer of 1804 Preble kept up the blockade of the coast; accomplishing little, but sustaining few serious injuries save the loss of Lieutenant Somers and his men, who tried to run the fire-ketch *Intrepid* into the harbor to destroy Tripolitan shipping. In September Preble was reinforced by Commodore Samuel Barron, with a fleet of five frigates and five smaller vessels, part of which were destined to watch Morocco.

With Barron was William Eaton, a fiery Connecticut patriot who had been consul at Tunis, and after a varied service in the Revolutionary War, the Florida border guard, and the Vermont Legislature. He had been stung to the quick by the degradation of his country at the hands of these wretched robbers' nests on the African coast; and had taken up from Cathcart, the former consul at Tripoli, the plan of ending aggression from thence by restoring to the throne its former occupant, Hamet Caramanli,—deposed and exiled some years before by his younger brother Yusuf,—on

William Eaton plans to end the Tripolitan aggression

condition of permanent abstention from assaults on American citizens and commerce. With great danger he reached Hamet among the rebel Mamelukes in Egypt, obtained his pardon after much exertion, and brought him to Alexandria. There Eaton collected a marvelous rabble of Greek sailors, Turkish and Arab waifs and mule-drivers, some five hundred in number; and by one of the most brilliant feats of daring and leadership in modern history, at imminent personal peril from his disheartened crew,—who wanted to kill him, largely deserted, and had to be reinforced by new recruits,—led them six hundred miles across the desert for an attack on Derne, the chief Tripolitan seaport save the capital, Tripoli.

1805

Eaton finds Hamet Caramanli

Besieges Derne

Late in April the place was taken, and held by Hamet under Eaton's protection until June 13, 1805. But Jefferson had only used Eaton's plan as a means of frightening the reigning pasha into a treaty; and on that potentate asking for terms, Tobias Lear the consul at Algiers, Jefferson's confidential agent, allowed him to make one not worth the paper it was written on, not only without exacting indemnity, but actually paying him $60,000 to ransom sixty American prisoners, in fear that he would murder them. He also left Hamet's wife and children in Yusuf's hands as hostages for Hamet's further quietude, as if Yusuf's safety were a matter of solicitude to this country. Hamet was given a small sum of money by the United States, some time later, as a temporary relief, and a few years afterward a small consular position.

But is disowned by the American government on the eve of success

1803 et seq

Eaton's later life

Eaton came back furious at what he considered a needless, discreditable, humiliating, and unstatesmanlike back-down; tried to rouse the country against the administration, but without success, the issue not being large enough to take it out of the government's hands, nor general knowledge sufficient; and retired to a farm in Massachusetts, where he fretted and drank himself to death just before the War of 1812, which would have given scope to his remarkable talents, and perhaps saved some of the disasters of that conflict.

The Judiciary obnoxious to the Republicans

In the general chorus of the Republican rejoicing there was one discordant note. The administration was popular, the party in excellent spirits and well disciplined, but the Judiciary was still controlled by the Federalists. More radical Republican leaders believed that the reform should not stop with the Executive and Legislature, but should extend to the Supreme Court, by constitutional amendment if no other way was open. The Supreme Court was doubly obnoxious, because the life-tenure of the judges was abhorrent to Republican theory, and because the decisions of the court, especially since Chief-Justice Marshall's accession, had a strong centralizing tendency. On February 24, 1803, the decision was rendered in the case of Marbury *vs.* Madison. The plaintiff, Marbury, one of Adams' "midnight appointees" had applied to the Supreme Court for a rule against Secretary Madison, who, at Jefferson's direction, had withheld Marbury's commission as justice of the peace. The court held that Marbury's appointment was

The case of Marbury vs. Madison

WILLIAM EATON.

Rosette December 4. 1804

Excellence,

I am the American Consul who made an agreement with your Excellency previously to your leaving Tunis for Malta; and am sent forward by the United States to carry that agreement into effect. I desire to be informed of the channel of communication with your Excellency in such a manner as not to embroil my government with any of the chiefs of this country —

America is at peace with all the world except your brother Jusuf. With him we will never be at peace; for he is unjust towards all men — But when God shall have reestablished the rightful sovereign upon the throne of Tripoli we will seek peace with that kingdom —

I am your Excellency's sincere friend

William Eaton

Navy Agent, General, of the United States of America for the Levant Barbary Regencies.

His Excellency
Hamet Bashaw
of Tripoli —

LETTER OF WILLIAM EATON TO HAMET CARAMANLI.

1803

legally complete, since his commission had been signed and sealed and was irrevocable by the President. By law the appointee was entitled to his office, and to withhold it was deemed by the court "an act not warranted by law, but a violation of a legal right." The Supreme Court decided also that it had not original jurisdiction in the case, and consequently could not issue the writ asked for; and no application was ever made to the District Court.

The court holds Marbury's appointment valid

This decision was not calculated to allay the hostility of the administration. Jefferson resented it as an encroachment upon the Executive. It was blank paper, he asserted, because extra-judicial, since the court admitted its lack of jurisdiction; it was not law, because delivery was as necessary to validity in the case of a commission as in that of a deed or bond; it had no authority, since a writ of mandamus could not issue to the President, to any member of his Cabinet, or of Congress. There seemed to be no remedy for such encroachments, however, until the doctrine was evolved, apparently upon Jefferson's initiative, that "the House had a right to impeach, and the Senate to convict and remove from office, a judge who held dangerous opinions." As for the "independence of the Judiciary," the Virginians scorned the phrase. The life tenure of Federal judges, combined with unlimited liberty in interpreting the Constitution, amounted to nothing less than despotism. But that part of the recent decision which gave the most offense was where the Chief

Jefferson resents the decision

And evolves the remedy of impeachment for dangerous opinions

1803

Justice expressed, with moderation but with uncompromising distinctness, the attitude of the Judiciary in expounding the fundamental law of the land. "There is no middle ground," said Marshall; "the Constitution is either a superior, paramount law, unchangeable by ordinary means; or it is on a level with ordinary legislative acts, and, like other acts, alterable when the legislature shall please to alter it. If the former part be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts to limit a power in its own nature illimitable." In other words, a legislative body which insisted upon being the judge of its own actions could be nothing else than a body with sovereign and unlimited powers.

The Constitution supreme or useless

Even before this the President had pointed out to Congress the means proper to be employed in dealing with obnoxious members of the Judiciary. February 3, 1803, Jefferson sent to the House certain complaints against John Pickering, district judge of New Hampshire, because the Constitution had confided to that body the power of "instituting proceedings of redress if the case seemed to require them." According to the complaints, Judge Pickering was addicted to drunkenness and profane conduct on the bench. Pickering held his office during good behavior: there was but one method of removal, that by impeachment; and the House on March 2, 1803, sent Nicholson and Randolph to the bar of the Senate to impeach Judge Pickering of high crimes and misdemeanors.

Impeachment of Judge Pickering

1803

This was the last day but one of the session; and before Congress could meet again, another member of the Federal Judiciary had chosen, deliberately it would seem, to offend the administration by a direct attack upon the President's cherished theories. Judge Samuel Chase of the Supreme Court was a zealous partisan, already in disfavor with the Republicans because of his conduct in the Fries and Callender cases,—conduct which his enemies called persecution. To his harsh temper and violent prejudices he added the practice, not uncommon in those days, of announcing from the bench his views upon political subjects. In a charge to the grand jury at Baltimore, May 2, 1803, Judge Chase expressed his belief that the United States was degenerating to a state in which law and justice would be partial and arbitrary, and security for life and property destroyed. Both State and Federal governments were tending toward democracy—"mobocracy"—the worst of all possible governments. "The declarations respecting the natural rights of man; the publications of visionary and theoretical writers, asserting that men in a state of society are entitled to exercise rights which they possessed in a state of nature; and the modern doctrine of our late reformers, that all men in a state of society are entitled to enjoy equal liberty and equal rights,"—were responsible for the condition which threatens "peace and order, freedom and property." Ten days later Jefferson suggested, in a private letter to Joseph Nicholson, that "this seditious and official

Judge Chase assails Republican principles

And declares that the trend of the times is toward mobocracy

1803-4

attack on the principles of the Constitution" ought not to go unpunished. Jefferson thought it best not to interfere personally; Nicholson hesitated to do so; Macon questioned whether a judge could be impeached for saying on the bench what he might utter elsewhere with impunity; and finally the task fell to John Randolph, who chose as the ground of his action, not the charge to the Baltimore grand jury, but Chase's conduct in the sedition trials of 1800.

Randolph assumes the prosecution of Chase

Meanwhile, early in January of 1804, Nicholson, chairman of the managers for the House in the Pickering impeachment, presented his charges to the Senate, three of which were based upon decisions in the case of the ship *Eliza,* and a fourth upon the judge's conduct while on the bench. Pickering was summoned to appear March 2; but on that date a petition was presented by his son, who stated that John Pickering was insane at the time of the offenses charged against him, and he was therefore "incapable of corruption of judgment and no subject of impeachment." The health of the accused was so infirm that a journey from New Hampshire would endanger his life; therefore a stay was asked until evidence could be collected, and the journey to Washington be made with less difficulty. Judge Pickering's former good character and reputation were urged in his favor, and powerful influences were brought to bear to protect him against the attack. The accusers urged, with some justice, that the United States had no means of ridding itself of a judge

Trial of Pickering

Who is insane and unable to appear

1804

The dilemma of the impeachers

who was incompetent except by an impeachment, which did not necessarily imply criminality. On the other hand, conviction implied that an insane man was to be held responsible for his own acts,—an implication repugnant to law and custom. It was doubtful whether the required majority of the Senate would vote the accused guilty of high crimes and misdemeanors, so it was decided that the opinion should be whether or not Pickering was guilty as charged in the articles of impeachment. On the 12th of March the charges were sustained; Judge Pickering was removed from office; a method was established by which the Judiciary might be controlled by Congress, but that result had been obtained at no small cost. Congress had disregarded precedent, had tried a case without hearing the accused, had pronounced an insane man guilty, and had evaded a clear statement of the law upon which they based their actions.

Judge Pickering's impeachment sustained

The Federalists rally to save the country

As the time for another Presidential election approached, the Federalists, conscious of their superiority in everything but numbers, began to gather together the scattered ranks of the "wise and good" for one supreme effort to save the country from destruction. The repeal of the Judiciary Act, the impeachment of Judge Chase, the attempt to alter the method of choosing the Executive,—these were some of the visible signs of an attempt to destroy the government. The Louisiana purchase more narrowly defined the issue between righteousness and iniquity as a

1804

The wise and good regard the Union as already dissolved

geographical one. Senator Plumer believed that the ratification of the treaty virtually dissolved the Union, and left it optional with the States to remain or form connections of more advantage. "If New England will not come out," he wrote, "and separate from the mass of Southern corruption, she must partake of their plagues;" and again, "I fondly hope I shall live to see the righteous separated from the wicked by a geographical line. True policy demands it." William Plumer had several sympathizers in the Senate, and it was probably inevitable that men should look to disunion for relief until time should test and hallow the bonds by which the States are held together.[1] If the "wise and good" found it justifiable to despair of the Republic, they did not in the least derogate from their eminent respectability in so doing. "What do you wish your Senators and Representatives to do here?" wrote Plumer to Peabody. "We have no part in Jefferson and no inheritance in Virginia. Shall we return to our homes, sit under our own vines and fig-trees, and be separate from slaveholders?" Things are bad enough with us, as you say, was the general reply; but we are too poor to risk a change; our commerce and our standing abroad would suffer.

And suggest a formal separation

[1] In 1793 Timothy Dwight had written that in New England, "sooner would ninety-nine out of a hundred separate from the Union than plunge themselves into such an abyss of misery" as a war with Great Britain. Oliver Wolcott, Lieutenant-Governor of Connecticut, writing December 12, 1796, to his son, then Secretary of the Treasury, declared his wish that "the Northern States would separate from the Southern the moment that the election of Jefferson took place."

1804

Pickering plans action by State legislatures

Timothy Pickering, Senator from Massachusetts, with Roger Griswold, evolved a plan of acting through State legislatures, after the members of Congress from the Eastern States had publicly addressed their constituents on the iniquities and perils consequent upon a Republican administration. No one was willing to come forward, however, as the initiator of the movement; and agitation was carried on by private correspondence. This time it was the displaced Federalists who saw the spectre of tyranny which had so terrified the Republicans four years before. Pickering turned to the Essex coterie for support, wrote with mingled grief and indignation over the attacks upon the Judiciary, and expressed the opinion that the proposed constitutional amendment was a step in the process of electing Jefferson President for life. The only safety was in immediate separation, which might be accomplished peacefully because of the relations of the sections to each other. There was no time to be lost, for even in New England the "solid principle of government"—for which the other name was Federalism—was in danger of being utterly forgotten.[1]

The last hope of Federalism

[1] "The last refuge of Federalism is in New England; and immediate exertion perhaps its only hope. It must begin in Massachusetts. The proposition (of separation) would be welcomed in Connecticut, and there could be no doubt of New Hampshire. But New York must be associated, and how is her concurrence to be obtained? She must be made the centre of the Confederacy. Vermont and New Jersey would follow, of course, and Rhode Island of necessity. Who can be consulted, and who will take the lead? The subject has engaged the contemplation of many; the Connecticut gentlemen have seriously meditated upon it. We suppose the British Provinces of Canada and Nova

1804

Letters of this tenor, sent to the Essex leaders, awakened no enthusiasm; for on many points the reasoning was faulty. England was not likely to support a Northern Union by a sacrifice of Canada, nor were the New-Englanders so disaffected to the Republican government as to long for a Moses to lead them from the land of bondage. In the May elections the Federalist majority had been but 6000, and any attempt at disunion would alienate a larger number of moderate Federalists. These and other objections were readily recognized by many of the leaders. "All these evils and many more," George Cabot wrote, "are to be apprehended; but I greatly fear that a separation would be no remedy, because the source of them is in the political theories of our country and in ourselves. Even in New England, where there is among the body of the people more wisdom and virtue than in any other part of the United States, we are full of errors which no reasoning could eradicate if there were a Lycurgus in every village. We are democratic altogether; and I hold democracy, in its natural operation, to be the government of the worst."

The plan for disunion rests on a faulty basis

George Cabot's view

Scotia, at no remote period, perhaps without delay and with the consent of Great Britain, may become members of the Northern League. A liberal treaty of amity and commerce will form a bond between Great Britain and the Northern Confederacy highly useful to both Tracy has written to several of his most distinguished friends in Connecticut, and may soon receive their answers. Griswold, examining the finances, has found that the above-mentioned States, to be embraced by the Northern Confederacy, now pay as much of the public revenue as would discharge their share of public debts due here and abroad, leaving out the millions given for Louisiana."—*Pickering to George Cabot, January, 1804.*

1804

Clearly Federalism must be wrought up to a higher pitch. New York, the centre of the pro-projected confederacy, supported Federalist doctrines half-heartedly and extreme Federalism not at all; yet these agitators approved one who was politically as restless and far more unprincipled than themselves,—the retiring Vice-President, Aaron Burr, who by this time had lost all standing in his own party. According to Jefferson, Burr had approached the President early in 1804, with an offer of his services for which he asked an executive office in return. Upon Jefferson's refusal, Burr had resolved to become a candidate for the governorship of New York; and with doubts and hesitation the leaders of the Essex Junto resolved to espouse his cause. "The Federalists here," Pickering wrote from Washington in March of 1804, "anxiously desire the election of Mr. Burr to the chair of New York, for they despair of a present ascendency of the Federal party. Mr. Burr alone can break your Democratic phalanx. Were New York detached from the Virginian influence, the whole Union would be benefited; and if a separation should be deemed proper, the five New England States, New York, and New Jersey would naturally be united." Not many of the Federalists shared Pickering's sanguine views. They could obtain no definite promise from Burr, and were certain of but one thing, his bitter hostility to the Virginia faction. They hesitated also to adopt as a leader a man in whom the most eminent of the party felt no confidence,

Jefferson repulses Burr

Who stands for election as governor of New York

And obtains Federalist support

1804

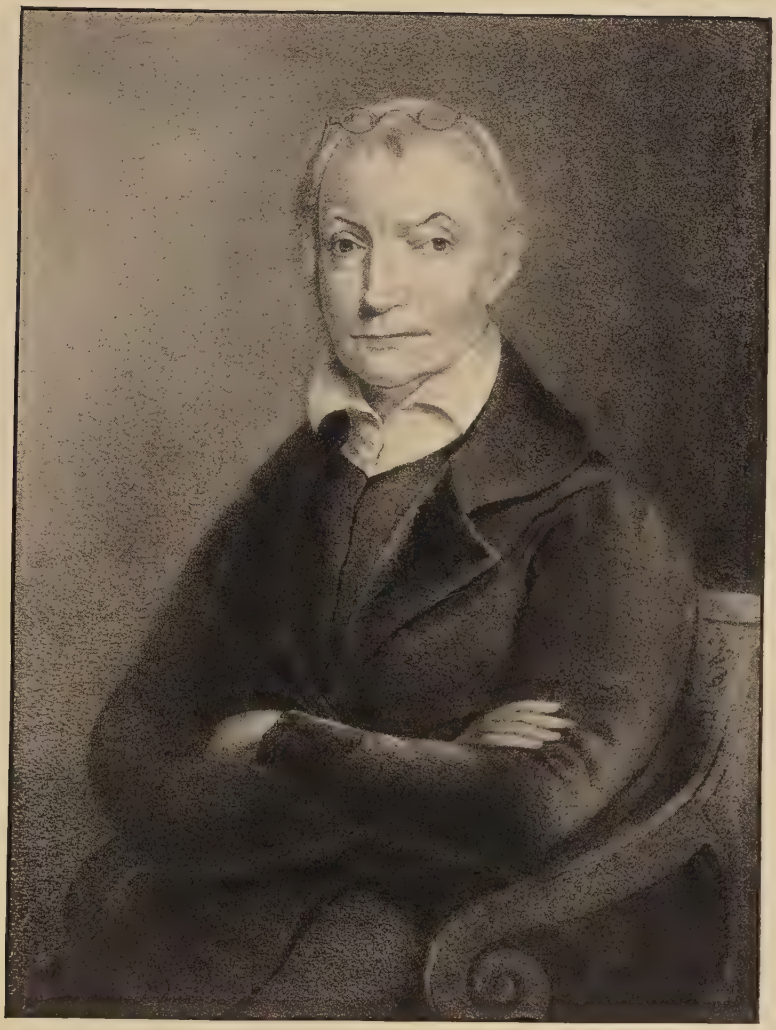
and cast about for other means of accomplishing their designs.[1] Every one knew that Burr's interest and ambition were the sole factors in the situation in so far as he was concerned, and he alone knew the precise scope of those interests and ambitions. Grounds for solid hopes were certainly lacking; and the most that the Federalists could secure from Burr in the way of a promise was, that if he obtained the government, he "would administer it in a manner satisfactory to the Federalists."

Burr makes vague promises

Meanwhile less radical and broader-minded men within that party were expressing opposition to the plan of a Northern Confederacy. Rufus King and Hamilton both condemned it, and it was certain that Hamilton would disapprove any association with Burr. Moreover, between Burr and Hamilton a bitter personal quarrel had arisen, based upon certain remarks made by Hamilton at a dinner, remarks which were reported in letters to the press for political effect. The New York election took place soon after the publication of these letters, and by Federalist aid Burr secured a majority of 100 in the total of 3000 votes cast in New

The moderate Federalists hostile to disunion

[1] "It must occur to every Federal man that objections of a very serious nature oppose the election of Colonel Burr, whether that election be viewed in relation to a general union of the Northern States, or in relation to the power which the office will give a man of Colonel Burr's ability to oppose a more partial union if it should be attempted. But, my dear sir, what else can we do? If we remain inactive, our ruin is certain. Our friends will make no attempts alone. By supporting Mr. Burr we gain some support, although it is of a doubtful nature; and of which, God knows, we have cause enough to be jealous. In short, I see nothing else left for us."—*Roger Griswold to Oliver Wolcott, March 11, 1804.*



AARON BURR.
(In Old Age.)

York City. The country districts were against him, however, and Morgan Lewis, the Clinton candidate, was successful by a majority of 7000. Whatever plans had been based upon New York now fell to the ground; but the greatest blow to the Federalists was still to come.

1804

Burr defeated

Through his friend Judge Van Ness, Burr sent the reports of these denunciatory letters to Hamilton, demanding a "prompt and unqualified acknowledgment or denial." In his reply Hamilton pointed out that not his words, but the belief of another man, had been reported; that there was nothing for him to affirm or deny; but in case Burr was not satisfied, "he could only regret the circumstances and abide the consequences." The correspondence grew more peremptory, until finally a meeting between the two was arranged for July 11 at Weehawken. The day before the duel, Hamilton wrote to Theodore Sedgwick a letter on the subject of disunion. "Dismemberment of our empire will be," he said, "a clear sacrifice of great positive advantages, without any counterbalancing good; administering no relief to our real disease, which is democracy, the poison of which by a subdivision will only be the more concentrated in each part, and consequently the more virulent." Hamilton was thoroughly opposed to the duelling code; he had, moreover, recently lost a son through the practice, and in accepting the challenge felt it necessary to give some reasons for his conduct. A peculiar necessity rested upon him. "The ability to be in future useful, whether in resisting mischief

Challenges Hamilton to a duel

Hamilton opposes disunion

1804

or effecting good, in those crises of public affairs which seem likely to happen, would probably be inseparable from a conformity with prejudice in this particular." In other words, he could not afford to risk an imputation as to his conventional honor or conventional courage.

Burr kills Hamilton

The antagonists met at Weehawken at the appointed time. True to his determination, as expressed in the formal letter of vindication which he left, Hamilton threw away his fire. He fell mortally wounded, lingered in agony through the night, and died the next day. With Hamilton dead and Burr a fugitive,—for his indictment was speedily secured,—Federalism seemed to have lost all hope of a leader who could rally its discouraged forces. New England mourned not only the dead Hamilton, but the lack of a successor to his mantle of authority. In this untimely fashion there was cut off at the age of forty-seven the most fertile, daring genius that ever flourished on American soil, the originator of the idea of a strong and dignified central government.

And flees from trial

Leaving Federalism without a head

Judge Chase's trial

On the 12th of March, 1804, the day after Judge Pickering's removal, articles of impeachment against Judge Chase were brought before the Senate. The trial was set for the following January; but before that time the Yazoo quarrel had embittered Randolph, had exhausted him physically and mentally, and had alienated from him many of his own party. In Pennsylvania the impeachment and removal of Judge Addison, while not entirely undeserved, aroused in the people a

1804

Burr courted by the prosecution

sense of the danger to the Judiciary, and turned public sentiment against the attacks. Twenty-three votes were required to convict, the Republicans had but twenty-five Senators; it was necessary, therefore, that every effort should be made to secure a successful result. Burr, who had returned from the Southern journey which he had taken after Hamilton's death, was treated with unusual courtesy by the administration, and three offices were given to his relatives and friends. Giles, who was now in the Senate, was made chairman of the committee to frame rules for the trial, and held consultations daily with the House managers. Giles affected to scorn the idea of an independent Judiciary: the Constitution said nothing about it; these pretensions were for the purpose of creating an aristocratic despotism. The power of impeachment was given without limit to the House, and the power of trial, equally unlimited, was granted to the Senate. Impeachment was not a criminal prosecution; it was no prosecution at all. Congress had no power over the person, only over the office. A removal by impeachment amounted to this declaration: You hold dangerous opinions, which if carried into effect will ruin the nation. We vacate the office to give it to some one who will fill it better. In other words, the attempt was made to establish the principle that Federal judges must construe the laws in accordance with the will of the majority in Congress.

Which holds impeachment to be a political weapon

The articles of impeachment charged Judge Chase with conduct "highly arbitrary, oppressive,

1804

The articles of impeachment

and unjust" in the Fries case; with sundry instances of "manifest injustice, partiality, intemperance," and a disregard of the laws of Virginia, in the trial of Callender; and finally with acting as an informer to the grand jury at Newcastle, Delaware, as well as with "indecent and extravagant" conduct in his address to the grand jury at Baltimore. The charges were brought before the Senate, December 7; and on January 2, Judge Chase obtained a stay until February 4, when the trial began in the Senate Chamber, which had been decorated in what was then considered as an imposing fashion. Against the centre of the wall was the Vice-President's chair, flanked by crimson-covered benches for the Senators; boxes in front, on the right and left, were assigned to the managers and to the accused and his counsel, while the floor and galleries were given up to the public.

Grounds of Judge Chase's defense

Both parties[1] appeared in Court at the time appointed. Chase denied in general terms that any of the charges were contrary to law, but rested his defense upon the principles that no civil officer of the United States can be impeached, save for some offense for which he may be indicted at law, and that the evidence must be the same in each case. That a judge could not be indicted or punished for any act committed through error of judgment, without corrupt motives, he held to rest

[1] The managers were John Randolph, Cæsar A. Rodney, Joseph H. Nicholson, John Boyle, G. W. Campbell, Peter Early, and Christopher Clark. Besides contributing largely to his own defense, Chase was assisted by Luther Martin, Robert Goodloe Harper, Charles Lee, Philip Barton Key, and Joseph Hopkinson.

upon the highest legal authority. A mistake was made in allowing Randolph to have chief charge of the trial. His work was hurried, inaccurate, and not in accordance with the seriousness of the case or the importance of the Court. The managers did not agree among themselves in their arguments; their plan of attack was poorly devised, and at every step they proved themselves feeble opponents to the able lawyers who were conducting the defense. Not a Senator was absent when the vote was taken at noon on March 1. On the eighth article, based upon the charge to the Baltimore grand jury, but nineteen Senators voted "guilty," and twenty-three votes were necessary for impeachment; on the third and fourth articles the vote stood eighteen to sixteen in favor of impeachment; on the others the verdict was "not guilty."

1804

Judge Chase acquitted

Interest in the trial had been intense, not only on account of the issues involved, but also because of the personal relations involved. The wisdom of Jefferson's judgment not to interfere was now unquestioned. Had Chase been convicted, the government would have been obliged to bear the unpopularity of it; as it was, the only real loser was the unmanageable Randolph. The deposed leader stormed back to the House, and that same evening moved a resolution to amend the Constitution in such fashion that the President might remove judges upon a joint address of the two houses of Congress. Nicholson moved another amendment, providing that the legislature of a

The brunt of defeat falls on Randolph

1804

State might recall either of the Senators at any time and declare the office vacant. The House was weary of Randolph's rule; the administration which he had defied took no pains to soften his humiliation; no one considered either of the proposed amendments. The only way in which Randolph's wrath could find an outlet was in contesting the payment of witness fees, and even in this he was beaten. It was more than ever a demonstrated fact that the party in power had failed in their plan to dislodge the Federalists from their "stronghold." "Impeachment," said Jefferson, "is a farce which will not be tried again"; but the decisions of the Supreme Court still rankled, for in 1820 he believed the Judiciary to be "the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated forces."

Randolph's leadership overthrown

The colonial theory of Europe

During the fortunate years of Jefferson's first administration, the causes which were to wreck his political philosophy had no more than appeared upon the horizon of the Western world. By the theory commonly received in Europe, colonies existed solely for the benefit of the mother country. To this theory the independence of the Thirteen Colonies had been in reality a death-blow; but political theories return to haunt the scenes of their former activities, nor can their perturbed spirits be laid, except by contact with the hardest of facts. "The colonial trade is . . . a trade generally shut up to the exclusive use of the mother country to which the colony belongs, and this to

a double use—the one that of supplying a market for the consumption of the native commodities, and the other of furnishing to the mother country the peculiar commodities of the colonial regions. . . . With respect to other countries, generally speaking, the colony has no existence." Granted this premise, affirmed in the case of the *Emanuel* in 1799 by Sir William Scott, the Rule of 1756 follows as a matter of course. This Rule, adopted by Great Britain as a part of international law at the beginning of the Seven Years' War, and maintained thereafter according to circumstances, declared that neutrals had no right during war to a colonial trade forbidden during peace, even though licensed by the belligerent mother country during hostilities. In opposition to this moribund theory was the fact that the necessities of European countries demanded an interchange of products; and at the time of Jefferson's accession, Great Britain even had been driven to disregard the theory so far as to admit the legality of colonial trade when goods were landed at a neutral port, and the regular duties were paid. This ruling was specifically affirmed in 1801, enabling American shipping to draw great profits from the trade between France and her colonies, notwithstanding the interruption during the brief existence of the peace of Amiens.

1799 et seq.

The Rule of 1756

Overborne by the necessities of trade

James Monroe succeeded Rufus King as minister to England in July of 1803, two months after the rupture of the peace of Amiens and about an equal time before the expiration of the commercial

1803

provisions of Jay's treaty. The relations between the United States and Great Britain had been unusually friendly, but apparently each side was preparing to make a determined stand for its fancied rights upon the expiration of that agreement. The grievances of Great Britain were the protection afforded to deserters by the American marine, and the competition of American commerce. With the resumption of the war, every belligerent but England ceased to trade under its own flag, and received, under the flag of the United States, the produce of its own colonies at prices with which the heavily taxed products of the British West Indies could not compete. At the same time the immense profits which flowed from a monopoly of the carrying trade increased the wages of American seamen from eight to twenty-four dollars a month, a powerful temptation to the underpaid, ill-treated sailors of Great Britain. British sailors deserted, often in numbers, from every British vessel that entered American ports; and in the absence of any convention, with public sympathy strong in their favor, these deserters found almost complete protection. An assumed name and American protection papers placed the British deserter on the same footing with the native American sailor.

Great Britain aggrieved

American commerce gains over British

The American flag shelters British deserters

On the American side, the wrongs which had passed endurance were the impressment of American seamen and the establishment of paper blockades. The American theory, which maintained that a neutral flag should afford protection to

1803

those sailing under it, was considered by Great Britain to be as indefensible as the "monstrous doctrine" that free ships make free goods. While Great Britain had not gone so far as to assert a right to impress Americans, she exercised to the full the privilege of suspecting any English-speaking seaman of being a British subject, and these suspicions were given the force of facts by the commanding officer of every press-gang that came up the side of an American merchantman. The doctrine "once a British subject, always a British subject," made void any naturalization papers, and native Americans who had settled in British territories were equally liable to seizure. So far was the outrage carried, that officers who had at first attempted in good faith to distinguish citizens of Great Britain and the United States ceased to regard evidences of nationality, and took the men that they preferred from every American ship searched. Great Britain nominally professed to be willing to release the victims of a recruiting officer's zeal; but attempts to notify American consuls of the presence of Americans in English vessels were punished by brutal floggings, and writs of *habeas corpus* were disregarded by the British officers.

American grievances against Great Britain

Impressment of American seamen

Such was the situation when Monroe reached London. The Addington ministry, which might have listened to his complaints, was weak and unpopular; across the channel, Napoleon was preparing the medals which he expected to issue from London commemorating the conquest of England.

Great Britain impatient of restraint

1803-4

Great Britain, wild with apprehension, had no patience with cautious, scrupulous delays. Monroe was not called upon at first for active service; for Madison undertook to open negotiations with the British minister at Washington, Anthony Merry, in December of 1803. The United States asked that the flag should protect all persons under it save enemies of the belligerents, requested a definition of blockade, permission for American ships to clear for blockaded ports, restriction of the right of visitation, and removal of the requirement that West Indian produce carried by American ships must be entered at an American port before proceeding to Europe. In return the smuggling of contraband goods was to be prevented, and deserters by land and sea were to be surrendered unconditionally. Merry in his reply intimated that his government would not grant any of these demands, and at the same time called attention to recent indications of an intention on the part of Congress to adopt measures to prevent impressment: if such laws were passed, the subject would be removed from the field of negotiations. The position taken by the British minister arose from a report to the Senate of December 5, which showed that since the last session of Congress forty-two American citizens had been impressed, with twenty-seven non-naturalized natives of other countries, of whom ten were from British dominions.

Recognition of neutral rights demanded by the United States

Great Britain averse to the grant

In January of 1804 the Secretary of State transferred the negotiations to London, sending to Monroe an outline of a convention upon subjects

similar to those which had been discussed with Merry. Before any action could be taken, the Addington ministry had made way for Pitt, who returned to power with the determination to re-establish the old colonial system in full vigor. Monroe's advances were received in a decidedly unfriendly and even hostile fashion. The British government agreed to re-enact the commercial part of the treaty of 1795; but Monroe, unwilling to seem to intimate that the Jay treaty might form a basis of a future agreement, replied that the President would prefer to postpone commercial regulations until both countries should be at peace.

1804

Monroe coldly treated in London

Meanwhile, on the other side of the Atlantic the tension had been increased. Soon after war had been declared between France and England, the British frigate *Cambrian* and the sloop *Driver* arrived in New York; summoned, it was said, by a New York marine insurance company which had lost heavily on its risks by reason of the depredations of French war-ships and privateers. From that time New York was practically a blockaded port; every vessel seeking to enter was brought to until the searching party saw fit to visit it. Sometimes as many as twenty vessels were held a league or two off shore, losing the fair winds, the tide, and their markets, until the officers of the British vessels were ready to inspect them. In June, 1804, the revenue and health officers of the port were driven back from the deck of a British merchantman in the lower bay by armed sailors from the *Cambrian,* who had boarded her to make

The "Cambrian" and "Driver" blockade New York

1804

impressments. Such conduct was too arbitrary for the British to sustain openly: Barclay, the captain of the *Cambrian,* was recalled—to be promoted; but the *Cambrian* itself remained, was joined by the *Leander,* and the two continued to search incoming vessels, to cause heavy losses by detention, to send vessels to the prize courts, and to impress any seamen whom they had any reason to consider as British subjects. The British government might eventually free the men impressed; but meanwhile, if they did not succumb to harsh treatment, two or three years of their lives were given to the British government, and for these wrongs there was neither compensation nor redress.

The "Cambrian" and "Leander" make impressments in New York bay

The American merchant was indignant over his incidental losses; the personal insult of impressment inflicted a deeper wound; but the war, in spite of these facts, was enriching America so long as she remained neutral. Unjust and tyrannical as the British navy might be, its vessels protected our commerce from France and Spain. Possibly the toll exacted was less than the cost of that efficient navy which the zealous economy of the administration discouraged; it was certainly less than the cost of a war which would have cut off the neutral trade at once. It is not possible for us to measure impressment financially; yet even from this inadmissible point of view, the British seamen enrolled under the American flag were more necessary to us than our impressed sailors to them. American shipping after 1803 increased

The war enriches American neutral commerce

at the rate of 70,000 tons a year, requiring 4200 men, of whom 2500 were British; while impressments never obtained more than 1000 men a year. For these reasons the Federal party and the commercial interests of the country acquiesced in the policy of a President with whom "peace was a passion." The country was not entirely passive, however, for Congress by law provided for the preservation of peace in the harbors, authorizing the President to interdict at will the entrance of American ports or harbors to foreign armed vessels, and resolutions for further inquiries indicated a possibility of retaliation.

1801 et seq.

Commerce and the Federal party demand peace

Soon after the election of Jefferson, the Republicans proposed to prevent by constitutional amendment another crisis like that of 1801. By the Constitution the electors were to vote for two men, and the one receiving the highest number of votes should be President, the one having the next highest number should be Vice-President; this method it was proposed to change by having the votes cast separately for the two officers. Strangely enough, in the debate upon the amendment the Federalists declared the Constitution to be a compact, and argued for a strict construction, while the Republicans were again compelled by the necessities of their position to adopt a liberal interpretation. The method of election as originally established, said the Federalists, was intended to give the States equal rights; the new plan would sacrifice the smaller States to the interests of the larger. Under the existing mode each State had a due propor-

The twelfth amendment to the Constitution

1804

tion of influence, but the change would throw all the power into the hands of a few of the States. Moreover, slave representation added thirteen members to the House and eighteen to the number of electors, and to this iniquity New England had submitted rather than resort to the dangerous expedient of tampering with the Constitution; but if it were to be altered, common justice required the process to begin with the representation of slaves. The Republicans denied the validity of the arguments upon two grounds. In the first place the Constitution was no more than an experiment, and should be amended whenever and wherever change was necessary. Again, before any alteration could take effect, three-fourths of the States must agree; and this number must of necessity include the smaller States. Opposition to the measure availed nothing, the majority was determined; the amendment passed, was sent to the States, and before the first of October, 1804, had been adopted by all save Delaware, Massachusetts, and Connecticut.

The amendment adopted

In the mean time the campaign had been conducted with varying zeal and excitement in the different States. February 25, 1804, one hundred and eight members of Congress met in caucus at Washington, and by a unanimous vote selected Jefferson, whose scruples concerning a second term had been removed. For the second place, opinions were divided between George Clinton of New York and John Breckenridge of Kentucky; but the former was chosen by a majority of forty-

Nominees of 1804

seven. No Federalist caucus was necessary; by general agreement, however, the party supported Charles C. Pinckney and Rufus King. In some States the Federalists were apathetic; in others they seem to have adopted the advice of Gouverneur Morris, to "leave the arena for the Democrats to squabble in at the next election"; for they would probably divide in mortal hatred and honest men come to their own again. Whether this sentiment was real, or a philosophic consolation for certain defeat, made no difference in the result. The contest was most vigorous in Massachusetts and Connecticut. In the former State the Federalists repealed the old law, by which seventeen of the nineteen electors were chosen by the Legislature from nominees sent up by the towns; replacing it by an election upon a general ticket, under the assumption that the Federalists throughout the State outnumbered their opponents. This was the opinion of the Republicans also, who fought the new law with the utmost determination; but contrary to the expectation of both parties, the Republicans carried the State by a majority of 4000, and obtained every one of the nineteen electors. In Connecticut the Federalists held their ground, giving nine votes of the total of fourteen cast for Pinckney and King. Delaware gave the Federalists her three votes, and Maryland two out of eleven; Jefferson received 162 votes.

1804

Pinckney and King

Republican victory in Massachusetts

Steady Connecticut

Nor is the reason for these results obscure. Jefferson had followed closely the course outlined in his first inaugural; and, excepting the impeach-

1804

ment trials, there was little to indicate that a radical change had taken place. The features of government dear to the moderate Federalists were undisturbed; the principles of the less radical Republicans were in successful operation; the typical citizen of 1804 was neither the Republican nor the Federalist of 1800, but was a combination of both, for without much deviation from the truth, "all were Federalists; all were Republicans."

Jefferson's ideal realized

CHAPTER LXIII.

JEFFERSON'S SECOND ADMINISTRATION

1805

Jefferson accepted the verdict of the people as an endorsement of his policy. Writing to Volney shortly after the election, he said: "The two parties which prevailed with so much violence when you were here are almost wholly melted into one. Connecticut is still Federal by a small majority, and Delaware is on a poise as she has been since 1775. Connecticut will be with us in a short time. Though the people in mass have joined us, their leaders have committed themselves too far to retreat. They brood over their angry passions and give them vent in the newspapers which they maintain." There was no room for discontent. On every hand were unmistakable evidences of prosperity. Each year there was an increasing surplus in the treasury; American trade flourished as never before, notwithstanding the restrictions to which it had been subjected; banks were multiplied, corporations formed for insuring property and commerce, and for the construction of useful public works; and finally, the benefits of this marvelous growth were distributed generally among the people. Moreover, the one-time radical leaders now saw certain well-established unarbitrary principles of Federal rule in the new light of responsibility.

Jefferson believes his policy endorsed by the people

Prosperity of the country

1805

Jefferson's second inaugural address

In his second inaugural the President expressed his gratitude for the proof of the confidence of his fellow-citizens; made much of reduction in taxation and the public debt made possible by the suppression of unnecessary offices and useless establishments. Looking forward to the time when the nation's obligations would be discharged, he advised, in times of peace, a division of the surplus revenue among the states to be by them used in fostering public improvement, education and the arts. The country was to be congratulated upon the union of sentiment which had been shown so plainly. Even those who had not yet rallied to the Republican standard must do so when they realized that the mass of citizens held the same views directed honestly to the public good. Until such a reaction came, Jefferson counseled patience, not doubting that truth and reason would prevail and complete that entire union "of opinion which gives to a nation the blessing of harmony and the benefit of all its strength."

Factions in New York and Pennsylvania

Unfortunately, the sentiments thus expressed in the inaugural were but imperfectly realized. In New York the two great families which, with their connections, had so long controlled the offices were divided over the charter of the Merchants Bank, and charges of corruption were freely made. In Pennsylvania, McKean had opposed impeachment of the judges and withstood unconstitutional attempts to popularize the government.

There were a few changes in the Cabinet at the beginning of Jefferson's second term. Levi

Lincoln resigned the office of Attorney-General and John Breckenridge was appointed to it—a recognition not only of Breckenridge's talents, but also of the rapidly increasing political importance of the West. Upon the death of Breckenridge in 1806 Cæsar Rodney of Delaware succeeded to the vacant office. During this summer treaties made with the western Indians extinguished the title to all their lands within the present state of Ohio, and all the previously reserved territory north of the Ohio. South of that river the nations under government direction had progressed rapidly in agriculture and cattle raising.

1805

The Indians in the West

When the ninth Congress convened, December 2, it was found that the Federalists were still further reduced in numbers. In the Senate there were only seven, but three of these were John Q. Adams, Pickering, and Tracy; in the House they numbered about twenty-five, and among them a new member, Josiah Quincy of Massachusetts, who was soon recognized as the leader of the opposition. Macon was again elected speaker and Randolph was for some time longer recognized as the Republican leader. The President's message revealed a state of prosperity at home, and peaceful relations abroad with the exception of the threatening attitude of Spain and the new restrictive commercial regulations adopted by the English government. In the case of the former the course to be adopted was soon made plain by the demand for money to be used in inducing France to force Spain to part with the Floridas.

Federalist numbers reduced in ninth Congress

The President's message

1805

Monroe in Madrid

It will be remembered that Monroe arrived in Madrid in January of 1805, and after adjusting Pinckney's relations to the Spanish government, the two had presented the American claims covering Spanish spoliations, including losses from the suspension of the right of deposit, with the claim to West Florida and Texas. In short, the United States offered to buy Florida and Texas and to pay for them by releasing Spain from a debt which she did not acknowledge. It was not long until Monroe was convinced that Napoleon was dictating the policy of Spain, and in March he was definitely informed that in case of war the whole power of France would be enlisted on her side. This decision was final to American hopes, and soon afterward Pinckney and Monroe left the Spanish capital.

Convinced of Napoleon's control over Spain

Upon the receipt of this information even Jefferson assumed a belligerent tone, inclining to an alliance with Great Britain and an immediate occupation of Texas; but before he could act, the coalition of Great Britain, Austria, and Russia against Napoleon was announced and Sir William Scott's *Essex* decision had authorized new depredations upon American commerce. Under these conditions overtures to England were impossible, but a prolonged war might so alter the position of the belligerents that the Floridas would fall a prize to American diplomacy. Jefferson accepted with relief this pretext for returning to his former policy, and determined to continue his negotiations, not at Madrid, but at Paris. Mysterious hints,

Jefferson's irritation neutralized

mysteriously conveyed, had convinced him that a suitable payment to France would bring the Spanish complication to a satisfactory end. At a Cabinet meeting, November 12, it was agreed to offer a sum not exceeding five millions; soon afterward a dispatch from Armstrong enclosed an unsigned communication purporting to be from Talleyrand offering the Floridas and part of Texas for ten millions, a sum which was presently reduced to seven.

1805

Talleyrand asks a bribe

A week later it was decided in another Cabinet meeting to accept the offer; that is to offer Spain $5,000,000, payable in stock, for the Floridas, and to give $2,000,000 for the good will of the Tuileries. The immediate question was how to obtain the two millions for French assistance; it must be done secretly, for a bribe could hardly be negotiated in public and the payment must be in cash. The President's message contained not a hint of the policy just adopted; but three days later, December 6, the House received a confidential message on Spanish affairs, containing no definite requests or recommendations, but describing the conduct of France and Spain and intimating that the time was most favorable for pressing the Spanish question to a solution. The message was referred to a special committee of which Randolph was chairman, and to him the President explained the use to which the two-million appropriation was to be devoted. Randolph answered plainly that he would not agree to a plan which would appear to overrule Jefferson's policy as expressed in his

The offer accepted

Jefferson's hints wasted on Randolph

1806

public message nor would he agree that the money should be used for such a purpose after the total failure of previous negotiations. Either the United States had bought West Florida or it had not; if so, why negotiate for the title; if not, it was a "prostration of the national character to excite one nation by money to bully another nation out of its property." For three weeks Randolph prevented action by the committee and later contrived to shift from the idea of purchase to that of seizure.

Randolph blocks House action

On the 3d of January the report of the committee on the President's message was laid before the House. In Committee of the Whole two resolutions were proposed, one appropriating a sum of money in blank for "defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations"; the other continuing for an undetermined number of years the duties appropriated to the "Mediterranean Fund." To these was added another to secure to the United States all the lands east of the Mississippi, and to Spain ample barriers on the side of Mexico. For ten days these measures were debated in the House. Randolph stormed, his friends opposed, but Jefferson's control was complete; and on January 16 the bill was passed by a majority of twenty-two. As explained to the Senate the object of the act was to enable the President "to commence with more effect a negotiation for the purchase of the Spanish territories lying on the Atlantic Ocean and Gulf of Mexico and east of the Mississippi." The Senate hurried the bill

The House appropriates money to bribe France

through, the President signed it February 13, and a month later Madison sent to Armstrong public authority to offer $5,000,000 for the Floridas. The President had had his way; discipline was restored, but it was a grudging and reluctant obedience which the disgusted majority rendered, while the Federalists were firmly convinced that Jefferson had rendered humble obedience to the demands of Napoleon.

1806

A costly victory for Jefferson

This opinion was strengthened and almost confirmed by an act of the same session prohibiting for a year all trade with the parts of San Domingo not under French control. The blacks had proclaimed their empire in January of 1804, but no nation had as yet recognized Dessalines or the independence of Hayti; and consequently, in international law, San Domingo was still a French colony, though France made no attempt to maintain authority. The trade was very profitable. American merchants sent out armed vessels in large numbers and usually together for protection. French protests followed and some restrictions were imposed by an act of March 3, 1805, but trade was continued as before. Finally, Napoleon, through Talleyrand and the diplomatic representatives of the two countries, informed the United States that this system of tolerance and impunity "must last no longer." The prohibitory act was passed; but to the administration it meant no more than a part of the price to be paid for the Floridas, while to the Southern Republicans it was also a sign of reprobation of negro dominance.

The bill against trade with San Domingo

1805

Provision having been made for continuing the Spanish negotiations, the President broached, by means of a confidential message, the subject of the relations between the United States and Great Britain. Two well-grounded complaints, the violation of neutral rights and the impressment of American seamen, were advanced, and against these Great Britain could urge only the protection of British deserters, a complaint which the United States had tried to remove.

Relations with Great Britain

While Monroe was still wrangling with Cevallos at Madrid, Madison had sent to him information concerning the brig *Aurora,* which had obtained a cargo at Havana, landed it and paid the duties at Charleston, reshipped it in three weeks and after receiving the drawback had sailed for Barcelona. On the way the brig was captured, sent to Newfoundland and there condemned by the British Court of Vice-Admiralty. On the day that Monroe reached London, July 23, 1805, Sir William Scott gave his decision in the case of the *Essex,* similar to that of the *Aurora,* in which he reversed two of his own previous judgments. The ruling pronounced in the cases of the *Polly* and the *Emmanuel* had exempted from capture a neutral vessel sailing between two ports of an enemy provided the cargo was landed and duty paid in a port to which the neutral belonged. Within two months after the *Essex* decision fifty vessels had been brought into the ports of Great Britain alone in consequence of the new ruling, and panic spread rapidly among American merchants and insurance

The "Essex" decision

Ruinous to American shipping

companies. As if to fill the measure of injustice, American traders learned that the "certificates of origin" which neutral vessels required for entrance into French ports were hereafter to be regarded by British prize courts as evidence of a violation of neutrality and sufficient ground for condemnation.

1805

Certificates of origin

Now, indeed, there arose among the merchants and underwriters from Salem to Charleston, a clamor beside which the lamentation over impressment was but a whisper. Memorials poured in upon Congress from all the seaboard towns urging measures to maintain American rights and redress injuries, even though these measures should lead to war. Federalist Boston suggested a special mission as a means of securing consideration, though Boston in part agreed that Great Britain was "in the greatest extremity defending the independence of the civilized world and the necessity of the case would justify her in saying to merchants: 'If you will not help us in the battle you shall not hinder its success under the cover of neutral pretensions.' "

Commercial interests protest against the new ruling

If the American merchants of New England viewed these hostile acts with as much sorrow as anger there was little regret in the attitude of the English mercantile interests. "Where," asked James Stephen in *War in Disguise,* "have the Americans, so recently poor and needy, obtained the capital to carry on commerce of such vast importance? The very magnitude of their interests proves that the neutral American flag is a fraudulent cover for the enemy's capital and trade." Had

James Stephen on fraudulent neutrality

1805 this not been the case the trade in itself was a fraudulent evasion of the rule of 1756, which Stephen assumed to be a part of the law of nations. Finally, as though in complete and irrefutable answer to all possible objections, he exclaimed: "The produce of the West Indies sells cheaper at present, clear of duties, in the ports of our enemies, than in our own! We defend our colonies at vast expense; we chase the flag of every enemy from the sea; and at the same moment the hostile colonies are able from the superior safety and cheapness of their new-found navigation, to undersell us in the continental markets of Europe."

Great Britain too hard pressed to be scrupulous

The fact was that Great Britain, feeling herself pressed to the last gasp for her political and commercial life at the same time, had ceased to ask by what right she seized the necessities of her existence. As well ask a drowning man to await a lawsuit for the ownership of the life-preserver at which he grasps. Such being the temper of the British people, raised to exultant triumph at Trafalgar, hardened to desperation by Ulm and Austerlitz, it was not strange that Monroe found the Foreign Office unwilling to encourage a hope of any relaxation from the *Essex* decision, or to make any promise concerning impressment. Monroe lingered on, writing in October of 1805, that delay in American affairs was studied and systematic, and yet, that the existing war furnished a most favorable opportunity for bringing pressure to bear on Spain and Great Britain, who in time of peace might combine their aggressions

more effectively and injuriously. Thus matters stood when Pitt, suffering from disease and stricken a mortal blow by the news of the peace of Presburg, died, January 23, 1806. 1806

Meanwhile the American Congress had met and each member found upon his desk an *Examination* of the British rule of 1756, the unnamed author of which was supposed to be Madison. A scholarly work, but after all as Randolph said, only a shilling pamphlet to oppose eight hundred ships of war. Congress had before it also the protests from the shipping towns, but the administration was firm in the peace policy. The President's message noted the annoyance and insults to which American shipping and coast towns were subjected, and the acts of piracy committed almost openly. To prevent the evil it might be found necessary to equip a force to cruise in American waters, to arrest all hostile vessels found hovering within the limits of the Gulf Stream.[1] New principles also had been interpolated by Great Britain into the law of nations, principles founded neither in justice nor usage; a belligerent power went so far as to claim the right of trade with an enemy which was denied to neutrals. However, the confidence which men ought to have in the justice of others still countenanced a hope that the soundness of rights would induce a more correct observance.

The administration firm for peace

The President's message

[1] A limit probably suggested by the capture of *Two Friends* by a French privateer within the harbor of Charleston. In November, Jefferson in conversation broached the doctrine that the United States should assume the principle that the neutrality of our territory should extend to the Gulf Stream, which was a natural boundary.

1806

The Senate on neutral rights

Jefferson left it to Congress to frame its own policy of protection or retaliation. An embargo was urged, but milder measures were adopted and a bill which declared impressment to be piracy went over to the next session. Meanwhile the British part of the President's message had been referred by the Senate to a select committee which reported, on February 5, three resolutions, the first of which pronounced the recent decisions of the British Admiralty Courts to be unprovoked aggressions, violations of neutral rights, and encroachments upon natural independence. The second requested the President to demand the restoration of captured American property, indemnification for losses, and a relinquishment of the practice of impressment. The first two were adopted, but the third, a non-importation measure, was rejected by the Senate, and it remained for the House to initiate a policy of commercial retaliation. The House had referred the British question to the Ways and Means Committee, of which Randolph was chairman, for consideration. Randolph's committee was silent upon the subject; another message of January 17, 1806, was referred to the same body, but still there was no report. Finally, on January 29, the House discharged the committee and proceeded to consider the matter in Committee of the Whole, and on the same day a resolution was introduced to suspend all importations from Great Britain until satisfaction should be granted. Other resolutions, more or less sweeping, followed, but the House debated

The House passes a non-importation act

upon two only: the complete prohibition of importation from Great Britain and the prohibition of those goods which Americans might obtain elsewhere or make for themselves. 1806

Randolph denounced the former as a war measure adopted to please Napoleon and for the protection of an illegitimate trade. It would cripple agriculture and the national revenues, invite retaliation and perhaps war, all for a trade which must disappear as soon as peace was declared in Europe. On the contrary, said the friends of the plan, the matter at stake was not merely the carrying trade; it was national independence, well worth any sacrifice. If Great Britain could impose her maritime laws upon us without contradiction, there would be no limit to her insolence. Non-importation was not a war measure, but a domestic commercial regulation to which no foreigner had a right to object; but should Great Britain choose to regard it as a hostile act there could be no better occasion or juster cause for a war on the part of the United States. The extreme of non-importation was not favorably received, but an act, signed on April 18, excluded British goods which might be obtained from other sources or made within the United States, thus supplying a powerful stimulus to domestic manufactures. Randolph opposes commercial retaliation

The act becomes law

One week after the Non-importation Act was signed, the country was aroused again by an occurrence no more humiliating than many others, but nearer home and therefore more exasperating. The blockading squadron of Great Britain lay off

1806

the entrance to New York harbor, stopping and searching merchantmen, making prizes and impressing seamen, in accordance with the recommendation of the British minister, who advised his home government to overawe the United States by increasing the British fleet at this station. The blockading vessels, as the customary signal for a vessel to lie to and submit to search, fired shots across their bows. On the evening of April 25, the American sloop *Richard* was entering New York harbor, when she was fired on twice by the *Leander* of the British squadron. These two shots went wide of the mark, but the third tore away part of the quarter rail and killed the helmsman, John Pierce, the captain's brother. The *Richard* escaped, reached the harbor, where the captain carried his brother's body ashore and exposed it to excited crowds at the Tontine Coffee House in Burling Slip, after which it lay in state at the City Hall. The Common Council ordered a public funeral; the people stopped the supplies which had been bought the day before for the *Leander;* in a monster meeting of citizens the outrage was denounced, while the Federalists condemned the government for permitting the blockade, and for the neglect of a navy which might have avenged the death of Pierce. May 3, the President issued a proclamation calling for the arrest of Captain Whitby of the *Leander,* and closing the ports of the United States forever to the *Leander,* the *Cambrian,* and the *Driver.* So great was the impression upon the pacific mind of Jefferson, that he

The "Leander" kills John Pierce

Public indignation

Jefferson impressed

ceased to believe in the approaching millennium of "sounder views" in which American rights would be respected, and in private correspondence, at least, advocated the building of a navy. 1806

The stormy first session of the ninth Congress came to an end April 21, 1806, and with it ended also the supremacy of the Virginia school of political theorists. That this was so was due chiefly to that erratic genius, John Randolph, whose sudden attack upon the administration has remained from that day to this a partial mystery. Randolph's hatred of corruption under all disguises, his wit and invective, his fearlessness and audacity won for him a certain evanescent popularity, but with these traits there was also a personal vanity, a lack of judgment and peevish spitefulness which tended to turn support into disapproval. Of all the Southern Republicans he was most disliked by the northern wing of the party; when, therefore, he attacked the Secretary of State upon the Yazoo question, railed at the President and his backstairs Cabinet, voted repeatedly with the Federalists to thwart or defeat the measures of his own party, the friends of the administration banded together and rallied about the President to crush the rebellious leader. It mattered little that there were elements of truth in many of his charges, for his intemperate use of them destroyed their effect; moreover, Randolph and his friends were not intriguers, disregarded the spoils of office as a matter of principle, and poured contempt on their former associates who showed any tendency to weakness.

John Randolph

Turns insurgent and loses influence

1806

There was a question, also, how far Randolph's conduct was due to genuine indignation and how far to personal envy of Madison, whose mild and vacillating character he despised, and whose influence he resented.

Results of Randolph's quarrel

Randolph's quarrel with his party, whatever may have been its cause, resulted in an attempt to make Monroe President, instead of Madison, whom Jefferson had destined for the succession. Monroe, who was now in England, had been treated with the utmost consideration by Jefferson. To him the President had offered the Spanish mission or the governorship of Louisiana, but Monroe preferred to remain at his post to complete the work he had begun, hoping, doubtless, to add to that distinction which the Louisiana negotiations had conferred upon him. What complete disappointment awaited him we shall know later; but at this time Randolph and his followers urged Monroe to become a candidate against Madison, while Jefferson warned him that such a course would lead to nothing short of political ruin. The Federalists seemed willing to form any alliance which promised strength enough to defeat the Republicans. The New York Republicans were said to be in revolt; the old members of the party beheld with disgust, said Randolph, the principles for which they contended neutralized at the touch of a cold, insidious moderation. These men were determined not to have a Yazoo President. However, the "Quids" and their leader Randolph made no impression upon the people, but they seemed rather to be a group of impracticable

Monroe urged to become a candidate for the Presidency

men, determined to force their doctrines upon the public notwithstanding the fact that they could not convince any considerable number of their truth. 1806

Local politics were active during this summer in several of the States. Local politics in Pennsylvania

In Pennsylvania Governor McKean was in complete control, the result of Federalist support, which he rewarded by appointing William Tilghman to the office of Chief Justice now vacant by the resignation of Shippen. McKean sought to silence his enemies by libel suits and among them one against Duane, the irrepressible editor of the *Aurora,* but Duane was released by the new Chief Justice on a writ of *habeas corpus,* and other attempts to control the press fell to the ground.

In Connecticut, through the instructions of Pierrepont Edwards of the District Court, an indictment was found against Tapping Reeve, contributor to a Litchfield paper and a judge of the Supreme Court of the State, for writing a libel against the President; a similar charge against the publisher of the *Connecticut Courant* led five years later to the important decision of the Supreme Court that the courts of the United States have no criminal jurisdiction not expressly conferred upon them. In Connecticut

It was in the spring of 1806 that General Miranda saw an opportunity to attempt his long cherished plan of freeing the Spanish states of South America. Miranda approaches Jefferson

About the beginning of the year he came with letters to Jefferson, thinking that this government would not be unfavorable to any event that might embarrass Spain. Some time was spent

1806

in Washington; a few recruits were gathered for the enterprise; the ship *Leander* was chartered from an owner named Ogden, who was engaged with William E. Smith, then collector of the port of New York, in furthering the schemes of the revolutionists. In February the *Leander* sailed, but even before she reached her destination the object of her mission was revealed and the government, as a measure of safety, commenced prosecutions against Ogden and Smith. The accused asserted in their defence that they had every reason to believe that Miranda was supported by the administration, but the House by resolutions decided that there was no ground for such a statement. Upon trial, however, the jury decided that the defence was valid and the accused were discharged. The expedition itself was a complete failure. Miranda obtained three towns upon the coast of Caraccas by English help, but the Spanish people refused to believe in the gospel of liberty as preached by him. Two vessels were taken with about sixty Americans on board; what remained of the expedition got to Trinidad and there dissolved.

Prosecution of aids of the filibusters

Failure of the expedition

When Aaron Burr left the Vice-Presidency he was already a ruined man as well in his personal as in his political fortunes. During his flight from the vengeance of Hamilton's friends, his estate, Richmond Hill, had been sold to satisfy his creditors. He was a defeated candidate, a political outcast, an indicted murderer. Yet much personal prestige survived the odium cast upon him, and

Burr a ruined man

1804

a singular personal charm still attracted irresistibly. Above all, he had kept his indomitable self; his state was desperate, but despair was foreign to his nature and he turned cheerfully to new schemes to compass his great design, the aggrandizement of the fortunes of Aaron Burr. All means were good to this end. It is perhaps a gratuitous assumption to hold that Aaron Burr after leaving the Vice-Presidency pursued consistently any course of action,—that his conduct can be made to fit into any other frame than that of expediency. Like the lightning he took the zigzag path of least resistance.

Burr an opportunist

Somewhat less than a month after the tragedy at Weehawken Anthony Merry reported to the British government that Burr's services had been tendered for any task in which it was thought fit to employ him, but particularly in effecting a separation between the western parts of the Union and the seaboard States. His term of office over, Burr started on a tour of the West, stopping at Philadelphia for ten days, where he saw Merry, who reported in a dispatch marked "most secret," that Burr revealed to him an intention of the inhabitants of Louisiana to throw off the control of the United States as soon as they could have assurances of protection and assistance from some foreign power. A union with the people of the West would follow, and many reasons led the inhabitants to desire the protection of Great Britain. Should Great Britain refuse, France would undertake the task gladly and reap the great

Solicits employment from Great Britain

Declares the West ripe for revolt

1805

commercial and territorial advantages of the plan. Burr refused to discuss the details of his scheme, but was explicit in his request that England furnish three frigates, the same number of smaller vessels to guard the mouth of the Mississippi, and half a million dollars for the immediate needs of the expedition.

Burr's requirements

While Merry was preparing the letter which should announce this offer, Burr was writing his daughter that his western journey would lead him to New Orleans and perhaps farther. These last words furnish a clue to his repeated requests for passports to Mexico, a privilege which the Spanish minister did not see fit to grant. About the middle of April Burr left Philadelphia for the West; on the 29th he was in Pittsburg, where he expected to meet Wilkinson, who had just been appointed governor of Louisiana. Wilkinson was not there, but left a letter, and presently Burr's "floating house" went down the Ohio lashed to Matthew Lyon's ark, for Lyon hoped to persuade Burr to settle in Tennessee, where he might mend his political fortunes. Outwardly the journey seemed a pleasure trip, broken as it was by daily stops and the hospitable attentions of the people of the river towns. Below Parkersburg, near the mouth of the Little Kanawha, Burr stopped at the island home of Harman Blennerhassett, an Irish immigrant who had beggared himself to build up a magnificent landed estate. From the island he went to Cincinnati, meeting Jonathan Dayton and other army friends at the home of Senator Smith; then

He goes West

Floats down the Ohio

BLENNERHASSETT'S MANSION.

continuing his journey by water to the falls of the Ohio, Burr went through Lexington and Frankfort to Nashville. At Nashville Burr was the guest of Andrew Jackson, who favored his plan of driving the Spaniards from America, hoping to share in the glory of the exploit.

1805

Guest of Andrew Jackson

Wilkinson and Burr met at Fort Massac, and for four days, said one Kentucky paper, the one time Vice-President continued to discuss with the General principles in government or a constitution for Louisiana. Soon Burr was on his way down the Mississippi, stopping daily to renew old acquaintances and attracting every one by the charm of his manner. New Orleans was reached, June 25, 1805, and a letter from Wilkinson introduced the bearer to Daniel Clark, perhaps the most powerful American in New Orleans. "If the persecutions of a great and honorable man can give title to generous attentions, he has claims to all your civilities and all your services," were the words of Wilkinson; and there were hints of other matters which might not be committed to paper, but which Burr would explain. New Orleans was not wanting in evidences of respect and a cordial welcome to the late Vice-President. Governor Claiborne gave a state dinner; the Ursuline sisters greeted him, and it was said that their superior was not ignorant of Burr's plans for the liberation of Mexico. The Bishop of New Orleans favored it and had appointed three Jesuits as agents to win over the people; the Mexican Association, a league of about three hundred Americans whose chief object was

New Orleans welcomes Burr

1805

to bring about a revolution, were his supporters, and Daniel Clark had promises of aid from several of the officers of the Mexican militia. What other plans existed can now be only inferred.

Rumor busy with Burr's plans

Burr left New Orleans July 10. Two months later Clark wrote to Wilkinson that many absurd rumors were current. "The tale is a horrid one," said Clark, "if well told. Kentucky, Tennessee, Ohio, the four territories on the Mississippi, parts of Georgia and Carolina, are to be bribed with the plunder of the Spanish countries west of us to separate from the Union. Heavens, what wonderful doings there will be in those days! Amuse Mr. Burr with an account of it." Whatever doubt there might be about the truth of these rumors, there was no question that they were wide-spread. The Eastern papers began to ask when the revolution was to begin; what was the date for the liberation of Mexico, and whether all the public lands were to be seized by the seceding States. The Western papers indignantly repudiated the libel upon their section, but no one undertook to demonstrate the truth or falsity of the reports. July 30, the Mexican government was warned by the unusual activity in New Orleans resulting from Burr's visit; early in August Merry wrote in alarm to Lord Mulgrave that Burr or his agents had been indiscreet, and about the same time Yrujo was informing Cevallos of a rumored filibustering expedition which he believed "ridiculous and chimerical," though Burr might have attempted thus to get money from the British government.

The Mexican government warned

1805

Meanwhile the chief conspirator had gone northward, had spent a week in Natchez, and on August 6 was with General Jackson at Nashville. By way of Lexington, Frankfort, Louisville, Vincennes, and Kaskaskia Burr reached St. Louis September 11, doubtless with a good store of information picked up on the journey; reports of the effects of the mysterious hints scattered by Wilkinson concerning great changes to be wrought in the West, or of the Spanish country to which Lieutenant Pike had been sent with instructions to seek the head waters of the Red and Arkansas rivers. Here, too, according to Wilkinson's later testimony, the deep iniquity of Burr's plans was fully revealed. To Burr's statement that the West was ready to revolt, Wilkinson replied: "The Western people disaffected to the government! They are bigoted to Jefferson and democracy." According to the same veracious witness, Burr hinted at a grand enterprise which the indifference of Wilkinson prevented from being further revealed. Not only did this loyal public servant and pensioner of Spain kill by cold indifference this exotic of Aaron Burr's imagination, but he also, to turn Burr from "unlawful objects," wrote a letter in his most impressive style, craving from Governor Harrison a boon which might save the Union; namely, the election of Burr as territorial delegate from Indiana.

Burr meets Wilkinson at St. Louis

Wilkinson's incorruptible loyalty

In November Burr was in Washington, where he was anxiously awaited by Merry, to whom he reported that everything was prepared and lacked

1805

only the support of the British government. Merry began to build castles no less splendid than those of Burr. The people of Louisiana, groaning under American misrule, were about to appeal to France, but would prefer to remain independent and unite with the trans-Mississippi territories. Merry could see Louisiana and the Western country an independent state; the Eastern States separated from those of the South, and this immense power, the United States, brought low and rendered forever harmless. This was the moment for Great Britain to act while she had undisputed command of the sea. In Washington Burr dined with the President and had a long, secret conference, in which, said Yrujo, "there was as little good faith on one side as on the other." Dayton saw Burr in Philadelphia, and immediately thereafter desired to sell to Yrujo a secret which he thought should be worth thirty or forty thousand dollars to the Spanish government; namely, warning in advance of Burr's intended project against Mexico. Another "almost insane" plan was proposed at the expense of Spain. This was nothing less than to kidnap the government at Washington, seize the money in the treasury and bank, board the vessels in the navy yard, and, sailing to New Orleans, proclaim the independence of the West. The proposition was a mad scheme to get money, but Yrujo thought it not impossible and even regarded it with some favor, for "Spain would look with extreme satisfaction on the dismemberment of the colossal power which was growing up at the

Merry enthusiastic for the disruption of the Union

Burr's subsidiary devices

very gates of her most precious and important colonies." During this winter Burr began to spin the web of conspiracy about Blennerhassett; tried to get the aid of the neglected Truxton by offering him the command of the fleet; revealed his plans to Eaton, who disapproved, but would not expose Burr, proposing instead a foreign appointment, in order, he said, to prevent an insurrection in the West. This singular reason failed to convince the President, who had no doubts of Western loyalty.

1806

Burr tempts the discontented

Before the summer of 1806 Burr had appeared to the British minister as the leader of a Western revolution; to Yrujo he had posed as a political bandit and revolutionist; to Truxton and Eaton as a filibuster with designs against the Spanish provinces; to Governor Harrison of Indiana as a candidate for elective office; to the President as a suitor for appointment; and he was shortly to add the rôle of land speculator to his varied repertoire. Which was his real design, or were all alike deceptive?

His various masks

The French minister believed that separation of the American Union would result from Burr's plots and hoped that France might control both confederacies. Burr had, meanwhile, opened negotiations with the Spanish minister and convinced him again that secession was possible, but Yrujo received positive orders to have nothing to do with the conspirators. Anthony Merry was recalled and Dayton, Burr, and Wilkinson were kept without hope of foreign support. Burr then began negotiations for a large tract of land upon the

Hope of foreign aid withdrawn

1806

Washita River. This had been granted to Baron Bastrop upon conditions which he had not completely fulfilled. Burr obtained several hundred thousand acres with the title so affected, at a nominal cost of forty thousand dollars, and the settlement of the Bastrop grants became from this time forward an important part of the whole plan. Before any assurances of success were possible it was necessary to be certain of Wilkinson, the most important and most doubtful factor in the alleged conspiracy. Two messengers were sent, Peter Ogden, Dayton's nephew, and Samuel Swartwout, a younger brother of Burr's old friend Robert Swartwout, who were bearers of letters from Dayton and Burr calculated to turn Wilkinson against the administration, while they were to represent verbally that everything was ready for the expedition, even to the English fleet.

The Bastrop lands

Burr tries to make sure of Wilkinson

Burr's letter to Wilkinson—the cipher later so famous as the key to the conspiracy—also revealed his plans. In August he would come into the Western country with his daughter; her husband, Joseph Alston, would follow with reinforcements; Wilkinson was to name his own officers and send lists of persons who might be induced to join the enterprise. Starting from the falls of the Ohio, November 15, Burr would be, soon afterward, at Natchez, where he hoped to meet Wilkinson. "The people of the country to which we are going," he wrote, "are ready to receive us. Their agents say that if we will protect their religion and will not subject them to a foreign power, in three weeks all

His cipher letter

1806

will be settled. The gods invite us to glory and fortune; it remains to be seen whether we deserve the boon." This program was carried out as planned, but, unfortunately for his ultimate success, Burr made many extravagant statements at the home of a friend, Colonel George Morgan, near Cannonsburg, Ohio. The government, he said, was weak; four hundred men might drive the President and Congress into the Potomac; the separation of the East and West was sure to come.

Burr excites suspicion

Soon afterward Blennerhassett's Island was made the headquarters from which frequent excursions led Burr to Chillicothe, Cincinnati, and especially Marietta, in quest of supplies or recruits, to each of whom one hundred acres of land on the Washita River was promised as a partial reward for help in an enterprise not yet fully explained. Blennerhassett was especially active in enlisting younger men and boys, at the same time writing a series of articles in the *Ohio Gazette* upholding the constitutional right of the Western States to form a separate republic.

Recruiting at Blennerhassett's Island

Meanwhile, in Cincinnati, Lexington, and Nashville, rumors of an approaching Spanish war were common. General Jackson, who gave a public dinner for Burr, September 27, issued a proclamation a few days later calling on the brigade commanders of the Tennessee militia to be ready for duty at short notice, and Burr suggested that Governor Harrison issue a similar warning to the militia of Indiana. At the same time preparations were moving forward steadily;

Rumors of war against Spain

1806

a messenger was sent to Philadelphia to report the progress of the expedition; the negotiations for the Bastrop lands were completed; boats and supplies were ordered in Kentucky, and the affair seemed about to culminate, when there were signs that the conspirators had been betrayed by some of their own number. Wilkinson had at last made up his mind as to his own rôle, for Blennerhassett's chatter and Burr's suggestive talk had touched a match to a train laid almost two decades before.

The conspiracy attacked

The memory of the Spanish conspiracy of 1787 had been a thorn in the side of Kentucky; a source of hatred, vindictive on one side and tremblingly apprehensive on the other. On the bench of the Court of Appeals in Kentucky was Benjamin Sebastian, a Spanish pensioner, and the Federal District Judge, Harry Inness, was an intimate friend, at least, of the conspirators of 1787. Humphrey Marshall, the leader of the Kentucky Federalists, and Joseph H. Daviess, the District Attorney, put together the conduct of those concerned in the old Spanish plot and the movements of Burr, inferring from the combination that a serious danger threatened the Union. On the 10th of January, 1806, Daviess wrote the President that the old conspiracy was about to be revived; a month later another letter denounced Wilkinson and Burr. Later investigations even as far as St. Louis seemed to strengthen Daviess in his convictions, but when the President, scenting political revenge behind the denunciations, refused to be moved, Daviess and his associates

The District Attorney of Kentucky against Burr

1806

founded the *Western World,* the editor of which was John Wood, the compiler of the scandalous history of John Adams' administration.

The "Western World"

The first number of the *Western World* appeared July 4, 1806, and immediately the half-forgotten versions of the plot of 1787 were brought to light. Blennerhassett's replies in the *Ohio Gazette* were held to be additional proof of the charges, and presently the attitude of the people became so threatening that Mrs. Blennerhassett sent her gardener, Peter Taylor, to warn her husband and Burr not to return. Taylor found Burr at Lexington, October 25, delivering to him there a letter from Senator Smith of Ohio, informing Burr of many prejudicial rumors and asking him to make a frank and full disclosure of his plans. To this letter Burr replied that he knew of no plan to divide the Union, nor had he ever written or printed a line on the subject. He had no more idea of separating the sections of the United States by force than he had of changing the planetary system. The Washita lands were bought for the benefit of himself and his friends. It was true that he had other plans which he would disclose to Smith personally, but they could affect the government in no way save beneficially. In all probability these statements are not far from the literal truth. There is no direct evidence that Burr ever harbored or expressed an intention to effect disunion save in the East, and for the million he asked of Great Britain or Spain he would have attempted revolution anywhere.

Burr denies plan to divide the Union

1806

Burr before a grand jury in Kentucky

At Lexington Blennerhassett found Peter Taylor, and as they went homeward the former enlisted men for the Washita settlement while he filled the ears of his servant with the stories of his own good fortune. "Peter, between you and me, we are going to Mexico, one of the finest and richest places of the whole world." Here Burr was to be king, his daughter Theodosia was to succeed him, and all of his followers were to be fabulously rich. As for Burr himself, he had no time to assist in the fabrication of gilded dreams. November 5, in the District Court at Frankfort, Daviess swore before Judge Inness that Burr was preparing an attack upon Mexico, that he was planning a revolution in the United States, and, therefore, Daviess asked for his arrest. Judge Inness overruled the motion Daviess proposed, and Burr demanded a grand jury, which met November 12. On that day Burr appeared in court with his counsel Henry Clay, when Daviess himself moved that the jury be discharged since his chief witness, Davis Floyd, was at his home in Indiana. This scene was repeated November 25, when the jury not only failed to find an indictment, but declared that Burr had done nothing to harm the United States.

The grand jury refuses to indict

Burr had won a signal victory in Kentucky, but he had been betrayed at Natchitoches. If Dayton had chosen the part of "honest thief," Wilkinson now played the "loyal traitor." Early in 1805 it had been proposed that the United States seize Texas. More than a year later it was decided to

1806

Wilkinson moves in a mysterious way

defend the line of the Sabine, which Wilkinson was ordered at once to occupy. Four months later he arrived at Natchitoches and issued a call for volunteers. The Spanish had in the mean time advanced to Bayou Pierre, east of the Sabine. September 28, Wilkinson wrote to Senator Smith of Ohio with much emotion of the path to conquest and glory which now lay open to him, explained a solemn appeal which he made to the Spanish governor, and threatened to push the Spaniards over the Sabine though they were as three to one. Apparently this appeal to Governor Cordero had the effect one might expect when sent by a confidential and secret agent of Spain to an accredited Spanish governor, for the troops were at once withdrawn.

His motives for drawing back

Here at Natchitoches Samuel Swartwout found Wilkinson on the evening of October 8. The greater part of the night was spent in deciphering the letter which Swartwout had brought, and in the morning Wilkinson told Cushing, his second in command, that Burr had made treasonable proposals. Without attempting to analyze the numerous contradictions in Wilkinson's later testimony, it is possible to conjecture the reasons for his action. There can be no reasonable doubt that Burr's letter was sufficiently explicit and in most parts at least referred to an understanding previously formed. What, then, made Wilkinson draw back? Perhaps the braggart's uneasy self-distrust, the hypocrite's fear of daylight. This was no conspiracy in which one might creep along

1806

unseen; it would soon call for vigorous action. Why risk two certainties, the Spanish pension and the American office, for an uncertainty, no matter how brilliant? Such probably were his thoughts from the 8th to the 20th of October, when he wrote to the President about this danger in which delay might be ruinous, and yet communicated names and details sparingly as if doubtful of his ground.

The Neutral Ground treaty

Wilkinson soon set out for the Sabine, where, on November 5, the Spanish governor signed in his camp the so-called Neutral Ground treaty, fixing the Sabine as the American limit, the Arroyo Hondo as that of Spain. From Natchitoches Wilkinson wrote to Cushing: "Hurry, hurry after me, and if necessary let us be buried together in the ruins of the place we shall defend." He made frantic appeals to Lieutenant-Colonel Freeman, commanding at New Orleans, to hasten work on the defenses of the city. From Natchez he wrote letters to Jefferson and Governor Claiborne making dire predictions of ruin to the Union, but containing also the comforting thought that he, Wilkinson, was there and would meet the danger, triumph over it or perish. Meanwhile Wilkinson had sent to the Viceroy of Mexico an account of Burr's designs, and the great sacrifices, the imminent dangers risked by Wilkinson in protecting the country from invasion,—services which were reckoned in paltry gold at one hundred thousand dollars.

Wilkinson asks payment of Spain

By the 25th of November Wilkinson was in New Orleans. Claiborne received a mysterious

1806

letter from Andrew Jackson early in December warning him to keep an eye on "our general," but Wilkinson's course seems to have been fully determined. December 6, he proposed martial law for the territory and enforced it soon afterward despite the objections of the governor. December 14, Wilkinson caused the arrest of Bollman, Ogden, and Swartwout; the writs of *habeas corpus* issued by the civil courts were disregarded and the prisoners were sent to Washington. About a month later the arrest of General Adair was made, but by this time the panic which had been created by the bluster and vague alarms of Wilkinson had changed to disgust. In his zeal to protect the people he had rifled mails, confiscated letters, and kept the city terrified by a corps of secret police while, to complicate the situation, there was the general suspicion that beneath this patriotic fervor there was treachery as deep as any that had been charged to Burr.

New Orleans disgusted by Wilkinson

Meanwhile warnings from many sources had reached Jefferson, who found it impossible to discredit such men as Colonel Morgan, Judge Neville, and General Eaton. At Cabinet meetings from October 21 to 25, the conspiracy was discussed. A proposition to send Preble and Decatur to New Orleans with a naval force was favored, but was abandoned; it was then decided to warn Western officials to act upon the first intimation of a possible outbreak. November 27, the President issued a proclamation to this effect, but Burr was not named nor was any purpose of the conspirators

Jefferson's proclamation

1806

disclosed save that of a military expedition against the territories of Spain. While the Cabinet were concerting measures to prevent a hostile expedition against Mexico, Yrujo was writing to Cevallos that the real object was the liberation of the Western States. A warning to the Spanish government, he added, was not needed except in corroboration of facts which they must already know from Wilkinson, who had hitherto acted in good faith with Spain, but would regulate his conduct according to his interests.

John Graham collects information in the West

As a means of securing more accurate information, John Graham, the secretary of Orleans Territory, had been sent through the Western country. He reached Marietta in mid-November, where he met Blennerhassett, who talked much of the Washita settlement; spoke incidentally of the Mexican Association at New Orleans, and denied that any unlawful action was contemplated. Meanwhile the government of Ohio had acted by seizing some boats which Burr had ordered for his journey down the river. A report that Blennerhassett's Island was about to be taken led to the flight of the owner and his chief lieutenant, Comfort Tyler, who were met at the Falls of the Ohio by Davis Floyd and about thirty men from Indiana. December 19, the President's proclamation reached Nashville;

Burr on the way

the 22d, Burr took two finished boats with a small number of men down the Cumberland, meeting on the Ohio the contingents of Blennerhassett, Tyler, and Floyd. At last the famous expedition was under way; the Union was about to be rent in

twain. Burr's party passed Fort Massac December 29, but no warlike array was apparent to the commander, who was an old friend of Burr. The President's proclamation had not yet reached these distant posts, so the little flotilla proceeded uninterrupted to Chickasaw Bluffs, where Jacob Jackson, the lieutenant in command, was so impressed by Burr's representations that he promised to resign and join the expedition.

1806

Burr passes Fort Massac

About the middle of January Bayou Pierre was reached and there Burr learned that Wilkinson had sent to the government his own version of the conspiracy. His boats were intercepted by the militia of Mississippi Territory; Burr himself submitted readily to the civil authorities and on January 17 was held to the grand jury. So small, so insignificant did the expedition appear that Secretary Cowles Meade wrote to Jefferson in disgust: "Thus, sir, the weight of alarm with all its exaggerations has eventuated in nine boats and one hundred men, and the major part of these are boys or young men just from school." The grand jury met and promptly acquitted Burr, who was, nevertheless, bound by the judge to appear from day to day. Burr told his followers that no charge rested against him; that he was likely to be arrested; that he had determined to flee from persecution. He advised them to sell and divide what property there was, to push forward and begin settlements upon the Washita lands. For a time Burr remained in hiding, endeavoring to secure promises of a trial within the Territory;

Intercepted at Bayou Pierre

He resolves to flee

1807

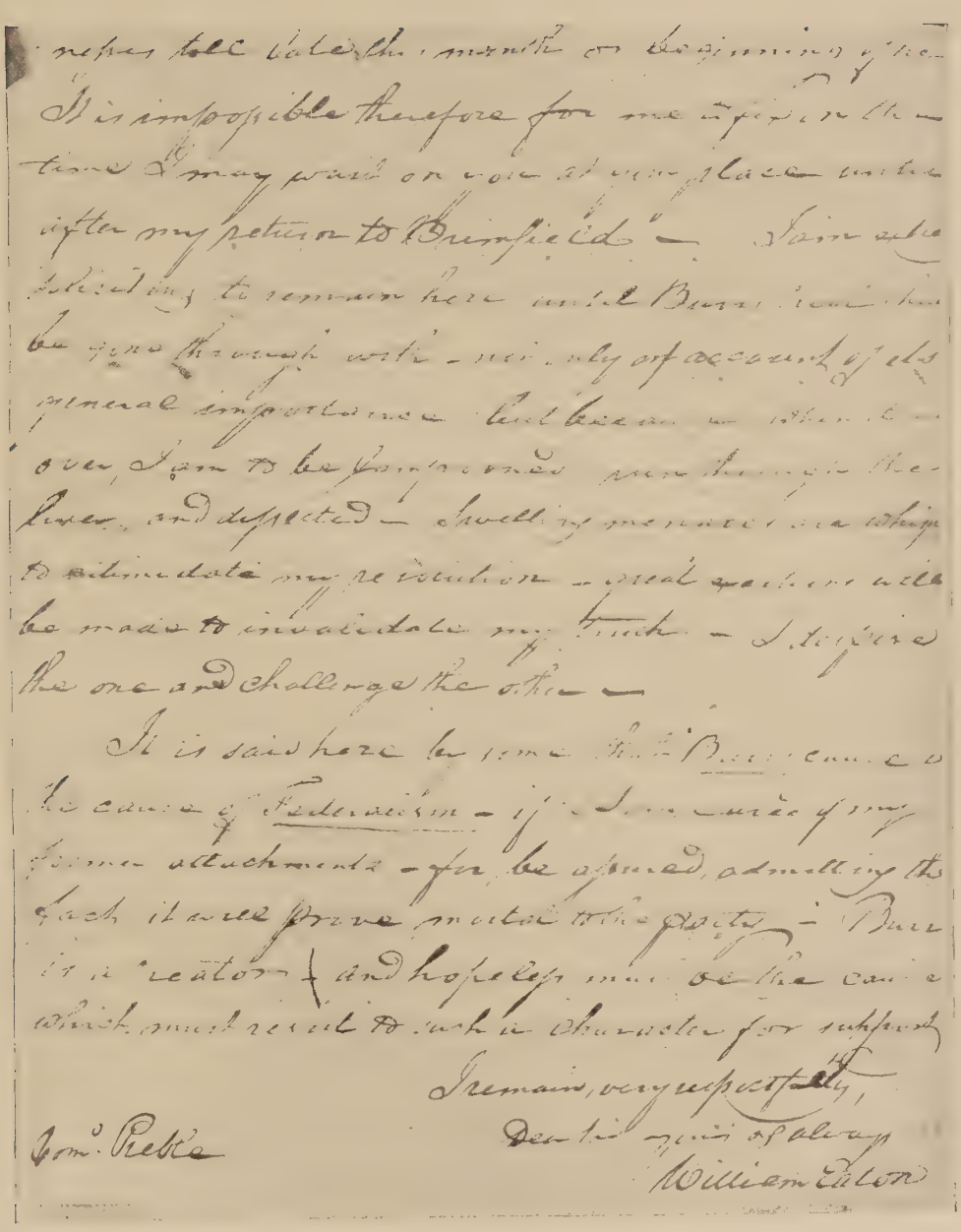
soon he became a fugitive, attempted to reach the Spanish border, was taken near the town of Wakefield, Alabama; kept for three weeks at Fort Stoddert and then sent to Richmond, Virginia, for trial.

Burr captured

In Washington all was confusion. Information hardly more reliable than the rumors current in the West seem to have formed the basis of action. One party feared the imminent dissolution of the Union; another ridiculed the idea. Randolph knew that a Spanish war was popular in the West, held that the separation project had its birth in Spanish intrigue, and that the supineness of the government was contributing directly to the success of Spain. The President, unfortunately, depended upon Wilkinson for his information, and to the end his false and contradictory testimony was supported, though in his own mind Jefferson realized the helplessness of the few men that Burr had gathered round him, and who even now were dispersed as fugitives throughout the country. The Senate did not share in the confidence of the President. In alarm, an act was passed suspending for three months the writ of *habeas corpus;* but the House, upon the motion of Jefferson's son-in-law, defeated the bill by a vote of 113 to 19. Early in February a resolution to secure by further provisions the privileges of the writ was postponed by a majority of two,—so near was Jefferson to defeat.

Jefferson relies on Wilkinson

Early in February Bollman and Swartwout reached Washington, where they applied for a writ of *habeas corpus,* which Marshall granted on the



LETTER OF WILLIAM EATON TO COMMODORE PREBLE ON BURR'S CONSPIRACY.

ground that no evidence had been submitted to show that the accused were guilty of the charge of levying war. February 18, Ogden and Adair were released at Baltimore by Judge Nicholson, since no cause for confinement could be shown. Adair demanded an investigation, which was refused for lack of evidence upon which to base it, but later he brought suit for damages against Wilkinson, from whom he recovered $25,000, which the government eventually paid. Wilkinson's case was becoming desperate. "Though the tempest has passed away," he wrote to Jefferson, "and the dangers have disappeared, I must hope I shall not be left alone to buffet a combination of bar and bench." Hereafter the energies of government were devoted to the protection of Wilkinson and the conviction of Burr: government agents throughout the Union were collecting evidence and it seemed that no fact of moment could escape.

1807

Wilkinson's case desperate

It was the 26th of March when Aaron Burr completed his journey of one thousand miles from Fort Stoddert to Richmond, where he lodged at the famous Eagle Tavern. On the 30th he appeared before Chief Justice Marshall upon a motion of the District Attorney for commitment on charges of misdemeanor and treason. The latter charge, said the Chief Justice, could not be sustained. The fact was an act of public notoriety; the assembling of forces to levy war was a visible transaction. It was capable of proof, and when time to collect the proof had been given the court was not at liberty to give weight to suspicions

Marshall refuses to commit Burr for treason

1807

which at an earlier date might have been considered. Burr was held under bonds on the charge of misdemeanor to await the action of the next session, which opened May 22. Jefferson was angered by this defeat, which he regarded as another evidence of the dangerous power of the Judiciary. "The nation," he said, "will judge both the offender and the judges for themselves. They will see then and amend the error in our Constitution which makes any branch independent of the nation."

Jefferson indignant

When the 22d of May came, the taverns and private homes of Richmond were filled with strangers who had come in answer to a summons from the government or had been led by their own curiosity and the fame of the accused. The undaunted Truxton; William Eaton, in fantastic dress which perpetuated his fame as the hero of Derne; Eric Bollman, noted for his attempt to release Lafayette from his Olmütz prison; Colonel De Pestre, William Duane, and Benjamin Latrobe, artist, architect, and designer of the "corn cob capitals," were among those who met in the Eagle Tavern evening after evening as the four months of the trial dragged on. No less remarkable was the group of lawyers who gathered for the prosecution and defense. George Hay, the District Attorney; Cæsar Rodney, who, distrusting his own talents, retreated before the battle had fairly begun; William Wirt, the foremost orator of his day and the ablest lawyer of the prosecution, with Lieutenant-Governor McRae, were pitted against an array of

The assembly at Richmond

counsel such as had been seen but once in the history of the United States. On that day Aaron Burr had presided over the highest court of justice in the land, when Luther Martin defended the Judiciary and led in the cause of his friend, Samuel Chase. Now the conditions were in part reversed: Burr was a prisoner; Luther Martin, the "Federal bulldog," again thundered in the defence, but on the bench sat John Marshall, calm and fearless, about to uphold the dignity of the Judiciary in another contest with the Executive. Edmund Randolph, John Wickham, and Charles Lee, joined with Martin in aiding Burr to conduct his own defence, for the accused himself was the equal of any man in the court-room, Marshall alone excepted. Social Richmond gathered about Theodosia Alston, sympathized with her, half won over by her faith and devotion to her father.

1807

The counsel for the defense

While the prosecution and defence were waiting in Richmond, James Wilkinson was making his way leisurely to the scene of the trial, but before his arrival the bitterness of feeling between the two parties had been greatly increased. Upon the strength of additional evidence and urging that the approach of Wilkinson might cause Burr to attempt to escape, the prosecution again proposed commitment for treason; but Marshall agreed with the defence that the actual participation of the accused in an overt act of treason must be proved. The government felt keenly the sting of defeat, but this was as nothing to the storm stirred up by the defense. Burr had made a personal request for

Marshall again refuses to commit for treason

1807

a copy of Wilkinson's letter of October 31, a request the President had refused. This letter Burr and his advisers held might jeopardize or save the life of the accused. "All we want," said Martin, "is the copies of some papers and the original of another. The President has attempted to prejudge my client by declaring that 'of his guilt there can be no doubt.' He has assumed the knowledge of the Supreme Being and pretended to search the heart of my respected friend. He has let slip the dogs of war, the hell-hounds of persecution to hunt down my friend. It is a sacred principle that in all cases where life is at stake the accused has the right to all the evidence which is necessary for his defense." The President persisted in his refusal and it was determined to test the power of a writ of the court. June 13, the Chief Justice decided that the writ might be issued, though it was admitted that there were reasons which might cause it to be disregarded. In fact, Jefferson determined to disregard it partly because of his view of Executive prerogative, partly because he dared not bare to the scathing, searching criticisms of the defense the contradictory and misleading statements of the commander of the army, and also because he had set his heart upon the conviction of Aaron Burr.

The defense attempts to subpœna Jefferson

Jefferson ignores the writ

June 13, Wilkinson reached Richmond, where he expected to find Burr overwhelmed with guilt and dishonor. "Sadly, indeed, was I mistaken, and to my astonishment I found the traitor vindicated and myself condemned by a mass of wealth,

WILLIAM WIRT.

LUTHER MARTIN.

character, influence, and talents. Merciful God, what a spectacle did I behold,—integrity and truth perverted and trampled under foot by turpitude and guilt, patriotism appalled and usurpation triumphant." In these words Wilkinson poured out his feelings of innocence outraged as he appealed to the President for aid, nor was it long until the defense sought to attack him for contempt of court. Swartwout challenged him and branded him as a coward when he refused to fight; Andrew Jackson cursed him to every listener as he lauded Burr, while Randolph's previous impression of Wilkinson's conduct deepened—a general impression which threatened to lead to an indictment of Wilkinson for misprision of treason, and found later expression in a resolution for an investigation into the conduct of the commander-in-chief of the armies of the United States.

1807

Wilkinson under suspicion

The grand jury on June 14 indicted Burr and Blennerhassett for treason and misdemeanor, and two days later presented indictments for treason against John Smith, Senator from Ohio, who escaped expulsion by one vote from the Senate because of his complicity with Burr; against Jonathan Dayton, Comfort Tyler, Israel Smith, and Davis Floyd. The trial was to begin on Monday, the 3d of August, but before that time the government began to seek in the byways of justice means for strengthening its cause. Blank pardons were sent to the District Attorney to be used if evidence might be obtained by them. Bollman was involved in a plot by which it was hoped that some

Burr indicted for treason

1807

advantage might be obtained, and overtures were made openly to Colonel De Pestre. After the session of the court opened in the House of Burgesses, two weeks were spent in obtaining a jury, so strong was the general belief in Burr's guilt, which the indictment declared consisted in "ordaining, preparing, and levying war against the United States, December 10, 1806, at Blennerhassett's Island." By the 20th of August, the prosecution had presented all of its witnesses, some of whom were ignorant, others flighty, others contradicted their own testimony, while a few were not to be believed in any case. Of strong concurrent testimony there was very little and it was necessary to admit, first of all, that Burr was not on Blennerhassett's Island December 10, as charged.

Weakness of evidence for the prosecution

Then followed one of the most interesting legal battles in the history of our courts. The defense claimed that the existence of an overt act of war had not been proved; that a person not present could not be convicted of treason in levying war; to which the prosecution replied that an act of war consisted in assembling men to effect a treasonable object by force before the time of their dispersion. Burr was present in the sense that he had obtained the gathering, and he was, therefore, the chief of the conspiracy. During the trial Martin spoke for fourteen hours, presenting a remarkable discussion of the law of treason; Randolph argued with something of the force of earlier days; William Wirt won fame in that comparison of Blennerhassett and Burr known to every

The arguments of counsel

school-boy. The prosecution was not far behind, but at one unfortunate moment the District Attorney insinuated that impeachment of a Federal judge had followed a course similar to that taken by the court. Charles Lee accepted the challenge and Marshall in his decision said: "That this court dares not usurp power is most true; that this court dares not shrink from its duty is no less true." The Chief Justice, passing to the constitutional status of the case, destroyed all the hopes of the prosecution. The indictment charged an overt act of levying war,—a charge which must be proved by two witnesses. Not a single witness had shown the charge to be true. If, then, the overt act could not be shown, all other testimony must be irrelevant, and no evidence relative to Burr's conduct elsewhere and consequent to the transaction charged could be admitted. To this argument there could be no reply. The case went to the jury, which returned this verdict: "We of the jury say that Aaron Burr is not proved to be guilty by any evidence submitted to us. We therefore find him not guilty."

1807

Marshall's decision

The jury acquits Burr

In the opinion of the administration, Marshall had deliberately shielded a criminal from justice. Jefferson in anger and disgust wrote to Hay that the indispensable thing was to save the records of the trial for Congress to act upon; accordingly the mass of testimony in the misdemeanor case, which was called September 9, was intended to exhibit the dereliction of the Chief Justice in the former trial. Once more the court sustained the defense

Jefferson indignant

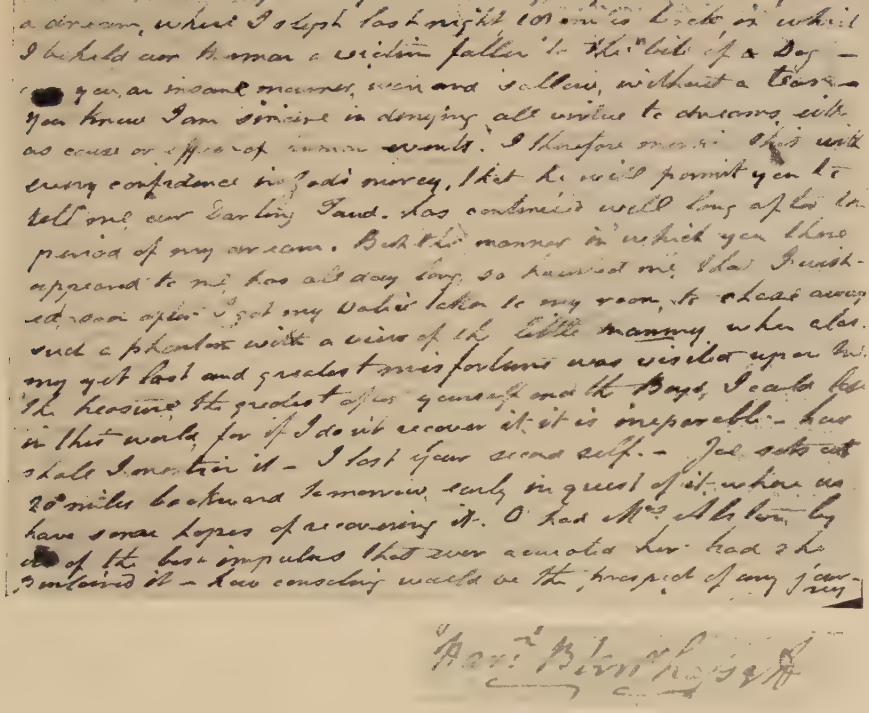
1807

in the rejection of irrelevant testimony; once more the prosecution, having no testimony of another sort to offer, gave up the case; once more the jury returned a verdict of not guilty; once more the administration was in despair. Burr and Blennerhassett were committed for trial in the Circuit Court of Ohio, but at the time appointed neither appeared and the prosecution was dropped. Jefferson, to be sure, would have been delighted with the punishment of Marshall, but Wilkinson's conduct would be strictly scrutinized in such case, and to Wilkinson Jefferson was irrevocably committed.

End of the prosecution

Burr and his followers were probably guilty of high misdemeanors, and of these the one nearest to Burr's mind was that of the liberation of the Spanish States. Indeed, the talk of Burr's failure had hardly died away before some of these States were in revolt and the movement continued until all were independent. Meanwhile Wilkinson went his tortuous way until its windings led him to his fall. According to the Marquis of Casa Yrujo, Spain had preserved the United States. "Separation would have taken place," he wrote, "if Wilkinson had entered cordially into the views of Burr, which was to be expected because Wilkinson detests this government, and the separation of the United States had been his favorite plan. The evil has come from the foolish and pertinacious perseverance with which Burr has persisted in carrying out a wild project against Mexico. Wilkinson is entirely with us. He enjoys a considerable pension from the king. Doubtless, he

Yrujo's view of the conspiracy



PART OF LETTER AND SIGNATURE FROM BLENNERHASSETT TO HIS WIFE.

(CIRCULAR.)

LEXINGTON JAIL, (KEN.) JULY 16, 1807.

To

SIR,

AFTER having suffered an arrest, and four month's detention in the Mississippi Territory, to take my trial there for a misdemeanor charged to have been committed by me against the United States; and after having been discharged from my recognizance by the court, I learned, by the newspapers, on my journey to Wood County, Virginia, on the 12th instant, that a bill of indictment had been found against me at Richmond, Virginia, on an accusation of the crime of HIGH TREASON. The public papers will inform you of my having at once declared my purpose to seek to be sent to Richmond for trial, and the pursuing of my journey to this place, which I might have avoided, will make it evident.

Thus situated, I trust, you sir, and such of my numerous and respectable friends, whose evidence I stand in need of to defeat the attempt, now made before a grand jury, upon my life and character, will reconcile the inconvenience a long journey may occasion you and them, with the justice and necessity that requires it, to vindicate, by your TESTIMONY, the innocence and legality of my conduct, according to the extent of your knowledge, in every instance relating to the manner and preparation for the journey I made from home last December, as well as the communications I made to you of the views I had of Aaron Burr's projects and intentions.

I am Sir, with grateful esteem,

Your obliged friend, &c.

HARMIN BLANNERHASSETT.

CIRCULAR OF BLENNERHASSETT.

foresaw from the first that he would lose the honorable employment he now holds and the generous pension he enjoys from the king. These considerations he could not explain to Burr, and when the latter persisted in an idea so fatal to Wilkinson's interests, nothing remained but to take the course adopted." Finally from a judicial standpoint the opinion of the Chief Justice decided that treason against the United States must be in acts, that to the idea of constructive treason was opposed the letter and spirit of the Constitution.

1807 et seq.

The doctrine of constructive treason unconstitutional

After the trial Burr and Blennerhassett went to Europe, where the latter died in obscurity and poverty. Burr retained his interest in Spanish American affairs until those States of their own accord threw off the yoke of Spain. In 1812 he returned to New York, where he lived until 1836, broken in character and health by his habits and the mistakes resulting from them. His only child, Theodosia Alston, was lost at sea, and with her his grandson, thus leaving him without a tie to bind him to the better things of life. He again entered the practice of law, but the days of his great successes were over. A marriage at the age of seventy-eight brought him again into public notice, but with this exception he lived and died in obscurity. John Adair resigned his seat in the Senate, but held high office in his State and led the militia to reinforce Jackson at New Orleans.

Later careers of the conspirators

During the progress of the trial at Richmond the attention of the government and the people

1807

had been attracted to foreign affairs now rapidly approaching a crisis. Thus far the administration of Jefferson had been a notable one, not only for the almost unbroken series of political successes, but for a unification of popular feeling and a general distribution of the fruits of a busy and prosperous era. Another test was now to be applied, in an attempt to protect American rights and American commerce by a commercial war. The plan was not a new one. It had its origin in the non-importation in Colonial days; had been applied by some of the States during the Confederation; had been advocated by Madison in the first Congress, and had been suggested in Jefferson's Report on Manufactures. With the Virginia group of statesmen the embargo had long been urged as a defense against foreign aggression; they were now in power, and this was, if ever, the opportunity to test to the limit the efficiency of their favorite measure.

A new test of an old theory

In England the mantle of Pitt had fallen, not to a Tory, but to Grenville, under whom a combination ministry, the ministry of All the Talents, was formed, in which Charles James Fox was the Secretary for Foreign Affairs. Personally, Fox seemed to favor liberal conduct toward America, but naval, colonial, and mercantile interests, all strongly opposed to concessions, must be reckoned with in determining a new policy. Meanwhile the news of the Non-importation Act and the indignation aroused by the killing of John Pierce had reached England, increasing the existing contempt

Situation in England

1806

for a race mercenary enough to attempt retaliation for these insults by commercial restrictions. Preliminary negotiations were about to begin when a blockade of the coast of Europe from the Elbe to Brest was declared in addition to the previous note which had closed the coast from Ostend to the Seine, though neutral vessels were permitted the same liberties at the extremities of the blockade line which were allowed by the liberal construction of the Rule of 1756. This singular measure, which set in train the whole series of decrees and orders in council, seemed to be intended as a conciliatory act and it was so considered by Monroe.

Great Britain extends the blockade of the continent

Monroe learned in May of 1806 that he was to receive as a colleague William Pinkney of Maryland, and suspended negotiations until Pinkney's arrival with new and further instructions. In these the demand that free ships should make free goods was abandoned provisionally, but new stipulations were made, that British war vessels should leave our shores and that indemnity should be paid for condemnations under the recent decisions of the Admiralty Courts. These combined with former claims made a truly formidable list of demands; in return for which the United States would give up deserters and repeal the Non-importation Act. Jefferson believed that American neutrality was worth paying for, but unfortunately the price of neutrality was low and the American variety could find no takers. In June, Fox fell ill and for four months American affairs waited, when Lord Holland and Lord Auckland were

Monroe and Pinkney present the American bill of claims

1806

appointed to conduct the British side of the negotiations. The two commissioners approached the questions of impressment and the West India trade with extreme reluctance; they believed also that the Non-importation Act was a barrier to a successful issue and the American envoys recommended its suspension. On the 13th of September Fox died and the pressure of Tory interests weighed more heavily upon his successor, Lord Howick.

Impressment a stumbling block

After an honest attempt to find some mutually satisfactory basis for the regulation of impressment, the British commissioners reported that no ministry would be willing to take the responsibility of proposing such a bill. They proposed, however, to make impressments of native American citizens a penal offense, if the granting of certificates of American citizenship to British subjects were to be upon the same basis. As their theory of citizenship was directly opposed to such a practice the Americans declined to consider the proposition. The British government then offered to pledge itself, not in a treaty, but in a note, to exercise the greatest care and redress promptly all injuries to American citizens. Monroe and Pinkney decided to disregard their instructions and accept the offer rather than break off negotiations.

Monroe and Pinkney accept the British terms

At this time Napoleon's reply to the Continental Blockade was received in England. After Jena and Austerstadt, the Emperor had entered Berlin as the master of the Continent. Thence, on November 21, 1806, he issued the Berlin Decree

declaring the British Isles in a state of blockade. By her disregard of the law of nations, England had given the right of retaliation. Therefore, all intercourse with the British Isles was prohibited; every Englishman within French limits was a prisoner of war; all British property, all merchandise coming from England, all ships from English ports, were lawful prize. The feeling in England over this decree was extreme. The American envoys were informed that it would be a "powerful obstacle" to the conclusion of a treaty until the attitude of America was known. The British government would not bind itself to any relaxation which might benefit France. However, a provisional agreement might be made to be binding only in case the American government should engage to withstand the assumptions of the Berlin Decree.

1806

The Berlin Decree

It was in vain that Monroe and Pinkney replied that such a proposition left to the United States the choice between the treaty and a war with France; that the United States could not undertake to arrange relations with one power to suit another. Finally a treaty was signed December 31, 1806, to which a note was appended declaring that Great Britain would not be bound by the treaty in case the French government, with the acquiescence of the United States, should attempt to put into effect the provisions of the Berlin Decree. This treaty was a formal abandonment of every right for which the United States had been contending. By it the United States was

Great Britain ratifies the treaty conditionally

1807

made a party to the Rule of 1756, and formally bound to uphold that rule which Americans had insisted was an interpolation in the law of nations. Worst of all, in Jefferson's view, the treaty barred the United States from recourse to retaliatory commercial restrictions for the next ten years.

Defects of the treaty

Notwithstanding the implication in the treaty that England would not retaliate immediately upon American trade, but one week after the treaty was signed (January 7, 1807), an Order in Council decreed that no vessel should be permitted to trade "from one port to another, both which ports shall belong to or be in possession of France." This was the reply to the Berlin Decree. American vessels, which had been accustomed to sail from one port to another in search of the best markets, must now accept conditions of trade at the first port of entry under penalty of becoming lawful prize to the first British cruiser they might meet. Lord Howick's order was adopted under the severest pressure by a liberal ministry every member of which was friendly toward America, and all imbued with the strongest principles against the restrictions of trade. All the stronger is the testimony which the order of January 7, 1807, bears to the tense and intolerant state of the British mind. In fact, the measure was far too mild to suit the Tories, who proposed that no vessel be allowed to enter a French port until it had first paid duty at an English custom house. Meanwhile in March the Whig ministry was dismissed and Canning ruled in the Foreign Office.

Lord Howick's Order in Council

The Tories dissatisfied

1807

The Non-importation act had been suspended in America in hopes of a friendly settlement of the difficulties with Great Britain; Monroe and Pinkney had added to these hopes; Lord Erskine's son, David Montague Erskine, had succeeded to the uncongenial Merry in November of 1806, and had applied himself zealously to the task of winning for England the friendship of the United States. The failure of the Florida negotiations had irritated the administration against France, and America was more than ready to welcome any overtures on the part of Great Britain. The first shock to the feeling of confidence was the information that Monroe and Pinkney had been compelled to depart from their instructions. Madison replied that satisfactory and clear understandings on the points in dispute were essential, and failing to obtain them the negotiations should come to an end.

Cordial understanding with Great Britain seems near

The news of the Berlin Decree reached Washington in February and the pendulum of public favor swung to the British side. March 3, 1807, a copy of the British treaty reached Erskine, who hastened to carry it to the Secretary of State that the President might call an extra session of Congress to act upon it. Madison expressed the greatest "astonishment and disappointment" that no agreement had been reached upon impressments. Finally the conditional ratification by Great Britain would, in Madison's opinion, cause the rejection of the treaty here even had it been satisfactory upon the questions in dispute.

But frustrated by the new treaty

1807

Jefferson angry

That night Congress, just before adjournment, sent a joint committee to the President which found him stirred to wrath over the treaty. "Would the Senate be called into extra session?" asked one of the members? "Certainly not," Jefferson replied, and then went on to express in the strongest language his condemnation of the agreement. He could account for it upon this ground only, that the envoys believed a war to be inevitable and that America must make common cause with England. The pride of the Senate was wounded and the people more or less mystified by the high-handed rejection of a treaty which the hitherto successful Monroe had negotiated, but the President persisted in his determination not to submit it to Congress. Some days later it fell to the lot of Erskine to explain to the Secretary of State Lord Howick's order of January 7, and to emphasize the long-suffering forbearance which had preceded this necessary step. After a fortnight's consideration Madison presented an elaborate protest, concluding with the statement that the restraint enforced by the order would be as "ruinous to our commerce as contrary to our essential rights."

Refuses to communicate the treaty to the Senate

March 15 the official copy of the treaty arrived. Madison at once set about the preparation of new instructions, and Jefferson wrote to Monroe to soothe and forestall any mortification which he might feel, by the offer of the governorship of the Territory of New Orleans. "But in regard to the treaty," Jefferson observed, "depend upon it, my dear sir, it will be considered a hard treaty when

it is known. The British commissioners appear to have screwed every article as far as it will bear; to have taken everything and yielded nothing." A month later Madison sent a detailed criticism of the treaty with a list of the essentials to be obtained by any further negotiations. Not only were the former demands repeated, but many details were added which more fully and clearly defined the American position and American claims. 1807

Before these instructions could reach their destination, an affair occurred which changed completely the relations between the two countries. The practice of blockading the American coast was now continuous from Maine to Chesapeake Bay. June 25, 1807, Lieutenant John Flintoph of the British schooner *Pogge* had sent a solid shot rolling into a group of children at play in the town of Passamaquoddy. Off Chesapeake Bay a British squadron was stationed which made prizes at will and once chased a revenue cutter bearing the Vice-President. The *Driver,* which had been forbidden the waters of the United States, on May 2, 1807, entered Rebellion Roads and anchored off Fort Johnson. When told of the President's proclamation, Captain Love compared it to the productions of a Barbary pirate and intimated that he would sail when he pleased; meanwhile any insults to his Majesty's flag should be properly resented.

Great Britain's peaceful blockade of the American coast

The "Driver" defies the President

The chief annoyance which the British suffered in return for all they inflicted was the loss of men by desertion. In February of 1807, five

1807

men escaped from the *Melampus,* then at anchor in Hampton Roads, of whom three enlisted at Norfolk for service in the *Chesapeake,* then fitting out for the Mediterranean to take the place of the *Constitution.* The British Consul at Norfolk demanded the restoration of the deserters. Commodore Barron of the *Chesapeake* answered an inquiry of the Secretary of the Navy, showing that two of the three were colored men; one was a native of Maryland; the second, though born in South America, had been indentured to service in the United States. Both had been impressed from the brig *Neptune* in the Bay of Biscay, while the third, also a native of Maryland, had been impressed from a British vessel off Cape Finisterre. The 7th of March, five sailors from the British sloop-of-war *Halifax* were enlisted for service on the *Chesapeake* contrary to the regulation forbidding the acceptance of deserters. The next day, their former commander met the deserters on the streets of Norfolk, and, reprimanding them, was answered with profane abuse by Jenkin Ratford, who had enlisted in the American service under the name of Wilson. When the *Chesapeake* dropped down the Bay all the men from the *Halifax* save Ratford had deserted from her also.

The blockading squadron loses men by desertion

The "Chesapeake" enlists deserters

When these facts were reported to Vice-Admiral George Cranfield Berkeley, commander of the British Atlantic squadron, he became too indignant to wait for an authorization which would be months in coming, and, under date of June 1, dispatched to Chesapeake Bay by the

frigate *Leopard* an order to any of the squadron meeting the *Chesapeake* at sea to search her for these deserters. At the same time this privilege was to be allowed to American vessels so long as the customs and usages of civilized nations were observed. These instructions reached the Bay June 21, and the next day the *Chesapeake* came down from Hampton Roads on her way out to sea. She was four months overdue at the Mediterranean station; her crew was untrained; her equipment was so incomplete that not even the customary salute could be fired as the vessel passed Mount Vernon.

1807

The "Chesapeake's" bad condition

As the *Chesapeake* stood out to sea, the *Bellona* was seen to be signaling to the *Leopard* outside the Capes. Presently the *Leopard's* sails were set and about five in the afternoon she came within hailing distance of the *Chesapeake,* announcing that she had dispatches for the commander. There was nothing unusual in this, but the dispatch was found to contain Admiral Berkeley's order directing the *Chesapeake* to be searched. Commodore Barron replied that he knew of no deserters; that orders had been issued not to accept deserters; that, in any case, he would never permit the crew of his vessel to be mustered by any other than their own officers. This reply given, Barron directed the decks to be cleared for action, but before anything could be done, two shots were fired across the *Chesapeake's* bow, followed by four broadsides which killed three men and wounded eighteen. On board the *Chesapeake* all

The "Leopard" attacks the "Chesapeake"

1807

was helpless confusion; the only shot fired was by a coal brought from the cook's galley; some of the guns were not mounted, none were properly equipped. Under these circumstances resistance was criminal. Commodore Barron struck his flag; officers from the *Leopard* boarded the *Chesapeake;* the 375 members of the crew of the latter vessel were mustered on the deck. Among them were twelve British subjects, but those taken were the three Americans who had been impressed and had afterward deserted from the *Melampus.* Jenkin Ratford was found hiding in the hold. August 26, the three Americans were sentenced to receive five hundred lashes, but the sentence was suspended. The same court-martial found Ratford guilty of mutiny and desertion and five days later the sentence of death was executed.

The "Chesapeake" strikes

Captain Humphreys refused to consider the *Chesapeake* a prize, so Barron made his way back to Hampton Roads. On the morning of June 23, it was reported that the *Chesapeake* had surrendered to the *Leopard.* When late in the afternoon the wounded sailors reached Norfolk, all business was suspended; Englishmen sought protection; the officers of the British vessels did not rest until they were secure on board; part of the people prepared for war; the town voted to stop all supplies to the English squadron and declared any one infringing the resolution to be an enemy of the country. Captain Douglas of the *Bellona* threatened that unless these resolutions "were immediately annulled" not a vessel should approach

Anger and excitement in Norfolk

1807

or leave Norfolk. To this threat the mayor sent a spirited reply, informing Douglas that the date, July 4, should be sufficient evidence to subjects of his Majesty that the people of the United States were not to be frightened by threats. Douglas denied that either threats or insults had been intended, but the town prepared for defense, summoned Stephen Decatur, who soon prepared four gunboats and wrote to the Secretary of the Navy that if Douglas came up the river with his vessels not all of them would go down again.

Norfolk threatened

Popular excitement and anger found expression throughout the country in public meetings and warlike resolutions. In Boston alone was there any hesitation. The Republicans called a meeting at which John Quincy Adams was the only Federalist. The Essex Junto did not attend when, somewhat later, the Federalists gathered to express a mild and dignified anger, while one of their papers declared that no fault could be found with Admiral Berkeley's interpretation of the law of nations.

Boston hesitates to show anger

Upon Barron the disgrace was visited most speedily and perhaps with the least reason. A court-martial acquitted him of personal cowardice, but found him guilty of not preparing for action at once upon the receipt of the note from the *Leopard,* and suspended him for five years from the service of the United States. Admiral Berkeley had, in the mean time, praised the action of his subordinates, writing, "I hope you mind the public accounts of this affair as little as

Barron made the scapegoat

1807

I do; we must make allowances for the heated state of the populace in a country where every tie, civil and religious, is treated so lightly."

The news of the outrage upon the *Chesapeake* reached Washington, June 26. A Cabinet meeting could not be held until July 2, but upon that day Jefferson submitted a draft of a proclamation setting forth at length the grievances of the American people. "Hospitality under the circumstances ceases to be a duty," was the mild comment of a pacific President. Therefore, all armed British vessels were to leave American waters at once, and all intercourse or furnishing supplies was forbidden. At the same Cabinet meeting it was decided to guard the coast, to recall the Mediterranean fleet, to send to the American minister in London instructions to demand the recall of Admiral Berkeley, a disavowal of the attack upon the *Chesapeake,* and an abandonment of the right of search in the case of national vessels. At a Cabinet meeting on the 4th day of July it was decided to call Congress together October 21. The next day, upon information of the letter of Captain Douglas to the mayor of Norfolk, it was agreed to call upon the governors of the States to hold in readiness their quotas of one hundred thousand militia, and on the 5th, Madison sent instructions to Monroe to suspend all negotiations until Great Britain agreed to reparation which must include an absolute relinquishment of impressments from vessels flying the American flag. Two days later the governor of Virginia was

Jefferson forbids American waters to the British navy

asked to call into active service the militia necessary to protect Norfolk and the gunboats at Hampton. 1807

While warlike excitement flamed up over the country as never before since Lexington, and even ardent Republicans chafed over Jefferson's colorless and dispassionate policy, British frigates came and went at will in Lynnhaven Bay. In September the *Jason* and the *Columbine* sailed jauntily into the harbor of New York, and the *Jason,* refused a pilot, sent an armed boat for one, while the *Columbine's* officers boarded and searched a revenue cutter. Even Jefferson seemed at times to feel that his policy would not be sufficient for the crisis. "The time is coming," he wrote to Duane on July 20, "when our friends must enable us to bear everything and expect us to say nothing, when we shall need all their confidence that everything is doing which can be done, and when our greatest praise shall be that we appear to be doing nothing." After stating that the laws permitted all necessary preparations for war, Jefferson continued: "Although we demand of England what is merely of right, reparation for the past, security for the future, yet as their pride will possibly, nay, probably, prevent their yielding to the extent we shall require, my opinion is that the public mind, which is made up for war, should maintain itself at that point. They have, often enough, God knows, given us cause of war before; but it has been on points which would not have united the nation. But now they have touched a

The "Jason" and the "Columbine"

Jefferson declares for war

1807 chord which vibrates in every heart. Now, then, is the time to settle the old and the new." Whatever was written to the editor of the *Aurora* was with a wary eye upon the public. For the moment, at least, it seems that Jefferson himself was not averse to war.

According to Monroe's estimate of affairs in England, the attitude of the British government upon the *Chesapeake* affair would be doubtful. There was, he said, a party composed of the ship owners, the navy, the East and West India merchants and certain practical characters in the State, so powerful that necessity alone would produce concessions. Canning himself was a frank and vehement advocate of any policy—the most arbitrary, the most brutal, provided it strengthened England and weakened France, and this sentiment was supported by the entire Portland ministry. Under these circumstances Monroe had reopened negotiations looking toward another treaty, when the news was received of the recent events in Chesapeake Bay.

The British government doubtful

On the 25th of July, advices to Canning of the encounter of the *Leopard* and *Chesapeake* brought forth a note to Monroe, who had not yet heard the news, stating that the Foreign Office had just been informed of a "transaction" between a British ship of war and an American frigate, and promising reparation in case it could be proved that the British commander was at fault. The following Monday, July 27, the London papers had full accounts and all but the opposition organs were

1807

enthusiastic in support of Berkeley's policy. "America," said the *Morning Post,* "is not contented with striking at the very vitals of our commercial existence; but she must also, by humbling our naval greatness and disputing our supremacy, not only lessen us in our own estimation, but degrade us in the eyes of Europe and the world. It will never be permitted to be said that the Royal Sovereign has struck her flag to a Yankee cockboat." As a remedy, the close blockade of our coasts would bring us to a true appreciation of British greatness. The laws of nations prohibited encouragement to desertion and protection of deserters, and authorized the right of search.

Berkeley arouses enthusiasm in England

It was not until the last of August that Monroe received by the hand of an eye-witness an account of the meeting of the *Leopard* and the *Chesapeake.* September 3, he presented the American demands: "That the men taken from the frigate should be restored to it; that the officers who had committed the aggression should be punished; that the practice of impressment from merchant vessels should be discontinued, and that reparation should be announced by a special mission,—a method required by the extraordinary nature of the offense." Canning insisted that impressment could not form a part of this negotiation, that the *Chesapeake* affair must be considered entirely apart. Again Monroe repeated the demands of the United States; again Canning refused to consider the question of impressment, and in reply to Monroe's insinuation that the practice was the outgrowth of

The American demands

1807

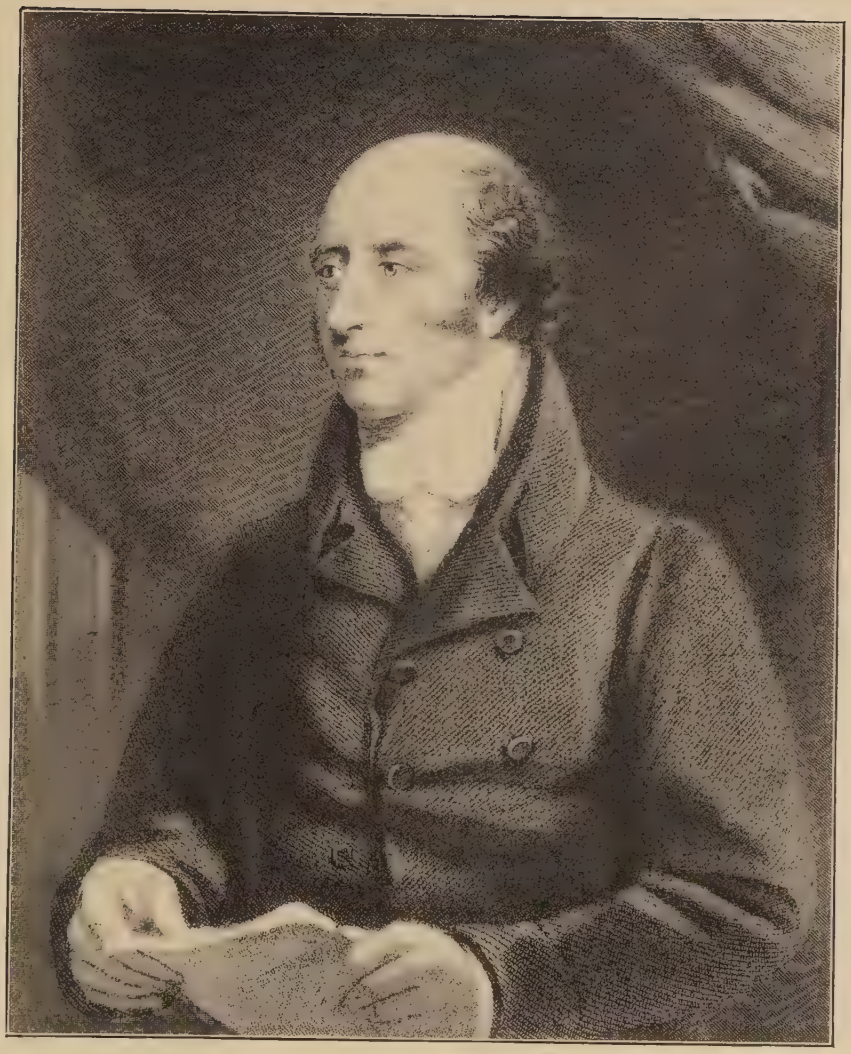
Monroe leaves London

the American Revolution, insisted that the right existed long before the independence of the United States; that Great Britain in recognizing an independent State had given up none of the ancient usages upon which her naval power was based, nor the practices which were still enforced against other nations of the world. There could be no argument between Canning and Monroe; opinions on the one side were directly opposed to instructions on the other. Upon the subject of the recent treaty, the British government would take no steps, and, October 29, Monroe left London for America.

A royal proclamation reasserts the right of impressment

About two weeks before Monroe's departure the ministry had, as far as possible, allayed the storm aroused by the disavowal of Admiral Berkeley's action by a proclamation asserting the right of impressment quite as firmly as Berkeley himself had done. All seamen in foreign service were ordered to return; naval officers were directed to seize British seamen found in any foreign merchantman; naturalization could not alter the allegiance owed by a British subject, and service in an enemy's vessel was to be deemed high treason. This proclamation, balanced by the recall and disavowal, was far from satisfactory to the British press, which broke forth in rage at the implication that their "proud sovereignty of the ocean" was in danger of being "mutilated by any invasion of its just rights and prerogatives."

While the ministry was calculating to a hair's-breadth the least amount of concession necessary



GEORGE CANNING.

1807

to avoid a war with America, another chain of causes was preparing an attack from a totally different quarter. The exhausted and almost bankrupt colonies of the British West Indies had been for years begging for relief. So serious was the situation that it was estimated that one-fourth of the sugar plantations had been abandoned, sold for debt, or were in litigation. The Portland ministry made it a duty to begin parliamentary inquiry with a view to discovering a remedy and restoring the West India trade to its former commanding position in the foreign mrkets. One great and fundamental evil appeared at once. Under cover of the neutral flag of America, hostile colonies were disposing of their products at moderate charges, while the British planter was burdened with all the "inconvenience, risk, and expense resulting from a state of war." Over-production, artificial restrictions of the market, heavy duties, —the results of all these were dismissed or sank into insignificance when compared with the injuries inflicted by American carriers. A few liberal men protested, but without effect; the existence of England and her dependencies was apparently at stake. The popular mind conceived of but one remedy, the suppression of American neutral trade. The means had been suggested; it now remained to find a reason by which the means might be justified.

The British West Indies demand the suppression of neutral trade

That these measures were commercial, not political, could not be declared openly, but Napoleon's Berlin Decree might plausibly be

1807

alleged as their cause. America was charged with having acquiesced in the decree, thus departing from the neutral policy which had been professed.

The "Horizon" case

It was true that America had a treaty with France, which, if respected, would exempt her from the operation of these laws; it was true, also, that until the end of the year 1807 the commerce of the United States had been singularly free from molestation. This situation was altered by the French decision in the case of the *Horizon*, wrecked near Morlaix, a decision which announced that American vessels were no longer to go unscathed from port to port. That decision did not reach General Armstrong at Paris until November 4, the same day that Percival's Orders in Council were approved. The Orders, published a few days later, declared that all ports and places from which the British flag was excluded were to be considered as under blockade; trade to such ports might be carried on by neutral vessels only through British ports, but direct trade between the West Indies and a neutral country might be carried on in vessels of that country. Ships violating these Orders were subject to capture as were those which attempted to escape the Berlin Decree by carrying "certificates of origin," and sales of vessels by enemies of Great Britain to neutral powers were to be illegal, subjecting such vessels to capture and confiscation.

And Percival's Orders in Council

Conspire to ruin neutral trade

At first the Orders seemed to be a mass of complications. "I beg to disclaim any intention to expound the literal text," said Alexander Baring.

"It seems purposely intended that no person should profane it with his understanding without paying ten guineas for an opinion, with the additional benefit of being able to procure one directly opposed to it for ten more." The general meaning, however, was plain. All American trade to Europe must pass through a British port and pay British custom duties; all their trade must be suppressed except such as came from British or allied ports. According to the author of the measures, "Our Orders say to the enemy, 'If you will not have our trade, as far as we can help it, you shall have none.'" Thus explained, the Orders are as simple as the "Hands up" of a highwayman. As for their legality, the age dominated by Napoleon was not surcharged with legal principles as scruples. Perhaps war with the United States would result; perhaps there would not be war, for the invincibly pacific character of the administration was well known in England. But granted that war were to be the consequence, a strong party would have much preferred the inconvenience to an abandonment of the attempt to force British trade upon Continental Europe. "War of a few months," said the *Morning Post*, the day after the Orders were adopted, "without creating to us the expense of a single additional ship, would be sufficient to convince America of her folly by a necessary chastisement of her insolence and audacity."

1807

The Orders are intended to make American trade tributary to Great Britain

Napoleon's reply to the Orders in Council of November 11 was the Milan Decree declaring that

1807

every vessel which had submitted to British search or had paid a British duty should be a lawful prize. In reply to Armstrong's protest, the Emperor said: "In my mind I regard war as declared between England and America from the day when England published her decrees; that, for the rest, I have ordered that American vessels should remain sequestered to be disposed of as shall be necessary according to circumstances." Again Napoleon began to hold out the still tempting bribe of the Floridas to amuse the American people while he openly violated the treaty of 1800, and as an excuse urged that this agreement had been made "with America independent, not with America enslaved." It was a sharper's game, played so brazenly as to insult the victim's intelligence while taking his property. "With one hand," said Armstrong, "they offer us the blessings of an equal alliance against Great Britain; with the other they menace us with war if we do not accept this kindness, and with both they pick our pockets with all imaginable diligence, dexterity, and impudence."

Napoleon replies with the Milan Decree

Such was the situation when Congress convened October 26, and listened to the annual message which recited particularly the British outrages upon the coasts of the United States; for Napoleon's orders closing the ports of Holland and the *Horizon* decision had not yet reached America. There were few distinguished men in either branch of Congress, and in both the majority for the administration was overwhelming.

1807

Randolph's party had dwindled until but four or five remained to swell an opposition which amounted to thirty only. The leaders were Josiah Quincy of Massachusetts; Dana of Connecticut; Key of Maryland, and Gardenier of New York. Wilson Cary Nicholas had come back to act as leader for the administration at the special request of the President when Randolph failed him; but new issues, new men, and new methods combined to make his leadership far less efficient than before. Among the new members who rose to commanding positions in after years were Richard M. Johnson of Kentucky, and William H. Crawford, elected to the Senate from Georgia to fill the seat of the deceased Baldwin.

Composition of Congress

American neutrality was a difficult thing to preserve, but on the Continent of Europe the situation was such that there were no neutrals. On the 7th of July, Napoleon signed the Peace of Tilsit and was free thereafter to enforce the Continental system. Denmark and Portugal had maintained a more or less precarious neutrality, but in July both were notified that all ports must be closed to English trade. Before Napoleon could act, the English fleet with an army of no less than 27,000 men under Lord Gambier swooped down on the Danish capital, bombarded it for seventy-two hours, and, seizing the Danish ships, held them as security for neutrality. News of this incident reached Washington in November, exciting alarm and emphasizing the necessity for defense.

No more neutrals on the Continent

1807

Jefferson's aversion for anything which savored of militarism, or which might possibly encourage the establishment of a naval system, led him to prefer a flotilla of gunboats to ships of war. This amateur, semi-civilian navy which he hoped would be manned by a marine militia was to be called into service only when required. The indifference of the administration had allowed the navy yards to become miracles of incompetence, as the case of the *Chesapeake* had shown. The navy proper, "degraded and disgraced," aroused no enthusiasm in any quarter. A small navy, said the Republicans, would be useless against France or Great Britain; a large one would be far beyond the means of the United States, inimical to the interests of the American people. It had been decided at a full Cabinet meeting to use the frigates in case of war as receiving-ships for the gunboat crews.

Jefferson prefers gunboats to ships of war

The nature of the national defense thus determined, a bill was introduced in the Senate to appropriate $850,000 for 180 gunboats in addition to the sixty-nine already provided. In the House Randolph attacked the measure sharply and was joined by the Federalists, who declared that the gunboats were wretched and comfortless kennels for the men, unseaworthy and harmless to the line-of-battle ships; nevertheless the bill passed, together with another appropriating one million dollars for the fortification of ports and harbors,—a total of less than two millions for defense against Great Britain.

1807

Meanwhile Monroe and George Henry Rose, the special envoy to America in the *Chesapeake* case, had been detained in Portsmouth harbor until November 12. They sailed in official ignorance of the Orders in Council, the most far-reaching of British decrees against neutrals, and it was not until December 12 that disquieting news began to reach America. On that day the *Revenge* entered the harbor of New York with official dispatches from Paris concerning the Berlin Decree, and from Monroe and Pinkney in London in regard to the negotiations committed to them. Soon afterward Monroe landed at Norfolk, while London papers, private letters and official dispatches conveyed alarming news and gave rise to still more alarming rumors. Jefferson received the King's proclamation recalling British seamen in foreign service, December 16, and reports of the projected Orders in Council came the following day. As an answer to these new and almost exterminating restrictions, the President submitted to the Cabinet the outline of an embargo message.

Disquieting news from England

"The whole world," said Jefferson, "is laid under interdict by England and France, and our vessels, their cargoes and crews are to be taken by the one or the other, for whatever place they may be destined out of our own limits. If, therefore, on leaving our harbors we are certain to lose them, is it not better as to vessels, cargoes and seamen, to keep them at home? This is submitted to Congress, who alone are competent to provide a remedy." An embargo like that laid for thirty

Leads Jefferson to recommend embargo

1807

days in 1794 was generally agreed to be proper, but could it be urged upon the ground of the British Orders as yet unofficially known? Madison proposed that it be based upon the enforcement of the Berlin Decree and the impressment proclamation of the King of England, and to this all agreed. Gallatin favored a limited embargo, for government prohibitions were dangerous weapons, and statesmen should hesitate to regulate individual concerns. Unfortunately, Gallatin's far-sighted judgment was not supported and the message unchanged was submitted to Congress.

Gallatin's cautious view

In both Senate and House all other business was set aside for the consideration of the message. The Senate discussed it in secret session and referred it to a committee of which Smith of Maryland was chairman and John Quincy Adams a member. The committee framed a bill promptly, the Senate suspended the rules requiring three readings on different days. Adams especially protested against delay. "The President," he said, "has recommended the measure on his high responsibility. I would not consider. I would not deliberate. I would act!" Only six Senators voted against the bill, which was promptly sent to the House. There, also, the message had been heard in secret session, and an embargo resolution was under discussion, but was laid aside when the Senate bill was presented. Three days were spent in debate; an amendment to limit the act to sixty days was rejected; and on Tuesday, December 22, the House approved and the President signed the bill which

Congress hastens to comply

1807

was to test, almost to breaking, the Jeffersonian theory of peaceful war. "Peace is our passion," said Jefferson, but it would have been more exact to say that peace was the President's passion and the nation's habit. Scarcely second to Jefferson's devotion to the practice of peace was his fervent belief in the inutility, the inefficacy, not to say the absurdity, of war. The doctrine that the rights of nations at peace were to give way to the convenience of those who preferred war seemed to him an impossible one, which should give way to the law that nations at war must not infringe on the rights of those which are at peace.

Jefferson believes war an antiquated device

Never had the "monstrous doctrine" to which Jefferson alluded, received a more sweeping application than at this time by both France and Great Britain. If the rights of peaceable nations were worth fighting for at all, no better occasion could be found. How much more sublime, more worthy the efforts of a philosopher President, to demonstrate the formidable and superior efficacy of a bloodless conquest! It might be questioned, however, whether this philosophic strategy could be executed except by officers and privates imbued with the same spirit as their chief; whether these "peaceable coercions" would be understood by friend and foe alike.

Peaceful weapons more formidable in his view

Meanwhile the special envoy from Great Britain had reached America and was demonstrating the hollowness of English apologies, the British contempt for a nation of tradesmen. Rose required double and treble assurances that the

1807

President's proclamation forbidding British war vessels to frequent American waters did not apply to his own particular ship; equal confirmation was necessary to convince him that his dignity would be respected. Not until January 14 did he reach Washington, empowered to settle the *Chesapeake* controversy, but forbidden to discuss any other point. As a preliminary to the partial satisfaction of which he was the bearer, the recall of the President's proclamation was to be demanded, and, if refused, negotiations were to cease. The United States must show a disposition "to remove those causes of just complaint which led to the unfortunate transaction." His Majesty could not acquiesce in an injury so grievous as deserting. The incident itself was a proof of the justice of a demand for satisfaction. Moreover, the protest of Commodore Barron had been contradicted by the confession of one of the men and therefore his Majesty required a formal disavowal by the United States of that officer's conduct in encouraging deserters, in retaining them on board his ship, and in denying that they were there. These and sundry other disavowals made, the American citizens from the *Chesapeake* would be restored, suitable provision would be made for the dependents of the sailors who were killed, but no further action than the withdrawal of Admiral Berkeley from the Atlantic squadron should be expected. America must bring forth fruit meet for repentance before she could hope to receive even a condescending apology from Great Britain.

Great Britain demands elaborate disavowals from the United States

1808

In vain Jefferson and Madison explained that the obnoxious proclamation was an act of precaution for the preservation of peace and order, and not an aggression against Great Britain. By his instructions, Rose was compelled to take a different view; and in fact, he had two powerful aids in his favor, the craving of Jefferson for popularity and the inalienable confidence of the Federalists in all things British. Timothy Pickering was beyond all measure delighted with the urbane condescension of the British envoy and was ready to assert, January 18, 1808, "If, after all, a war with Great Britain should ensue, the fault will be all our own." However impossible the British conditions, the blame of a conflict would be imputed to the President's obstinate policy; to appear to waver or recede at the bidding of England was yet more unpardonable in the eyes of Jefferson's own party, while a war would mean to bid farewell to his own policy of "peaceful coercion." Jefferson believed, therefore, that, disavowals being in order, the United States must set the example.

Jefferson's dilemma

The real difficulty was to find the ground upon which the proclamation might be recalled without exposing the administration to charges of inconsistency and disregard of national honor. Rose was asked to make a bridge over which the Presidential retreat might be conducted with dignity, but Rose held out "until the utmost point to which they would go was ascertained." The proclamation, he said, must have been the result of misapprehension, honest no doubt, but certainly corrected

Leads him to seek to conciliate Rose

1808

by his Majesty's disavowals and agreement not to exercise the right of search upon the national vessels of a friendly power. Were the proclamation withdrawn, the negotiation might be terminated speedily and amicably. Again the administration begged an opportunity of an arrangement which would avoid the appearance of having yielded to British dictation, and Rose agreed to an informal attempt to reach a basis for conciliation, after which he developed one by one the demands which he had been instructed to make. Madison was dumbfounded by the formidable array. The envoy, whose instructions did not permit him to discuss affairs other than of the *Chesapeake*, demanded a consideration of the general subject of desertion; demanded also the public reprimand of an American officer for not permitting his crew to be mustered by the commander of a British vessel. Finally, on February 16, Madison once more reminded Rose that the preliminary disavowals required were extraneous to the *Chesapeake* incident, for which it was useless to expect the United States "to make, as it were, an expiatory sacrifice to obtain redress or beg for reparation." Yet the United States had come perilously near doing that very thing; it was not American firmness, but the colossal magnitude of British demands, which had prevented it.

Rose explains the British demands

Which overwhelm Madison

Informal negotiations failing, formalities were resumed with no better results. March 17, Rose was forced to express "profound regrets" that his mission was terminated by the President's refusal

to withdraw his proclamation, and to call attention to a "series of insults and menaces, which without a pretension of warlike preparation on the part of Great Britain, had been for months accumulated on her through the United States." Rose left Washington March 22, bearing no tangible fruits of his mission beyond the assurances of sympathy from the extreme Federalists and requests to bear patiently the conduct of the misguided United States. To Pickering he wrote expressing a fear that at "sometime or another the extremest point of human forbearance might be reached," but that for the present the only possible thing was to leave America to her own suicidal devices. Had Pickering forgotten his own Logan law, or did the judgment of the "wise and good" suffice to exempt him from its application?

1808

Rose leaves Washington

Congress had passed the Embargo act so hastily that a penalty for its infraction had been forgotten. Sea-letter vessels were prohibited absolutely from leaving American ports, and if used in coasting trade were to give bonds of double the value of vessel and cargo that the laws would be observed; registered coasting vessels were untouched. The thrifty masters of sea-going ships hastened to surrender their registers and to take out coasting licenses; then by stress of weather they would be forced to take refuge and unload in some West Indian or Canadian port. So great did this abuse become that a law was signed January 9 requiring bonds of coasting and fishing vessels, and exacting heavy penalties for any violations.

Evasion of embargo begins

Coasting vessels included

1808

From the publication of the embargo message, hints were rife that the measure was intended to aid Napoleon in his enforcement of the Berlin Decree. A letter from a member of Congress to the New York *Evening Post* expressed the same opinion, and to the end of his days Timothy Pickering claimed that the embargo was a supplement to the Continental system of Napoleon. Ostensibly the measure was one of protection to American commerce; that it was more than anticipatory of war; that it was in itself a war measure did not first appear. In January a motion by Adams to inquire into the expediency of removing the embargo and allowing merchant ships to arm in their own defense was defeated, though in part because inquiry might seem premature while the negotiations with Rose were in progress.

Contradictory phases of the embargo

The publication late in January of the Orders in Council tended to strengthen the position of the administration, but by this time the wits of merchants and producers were daily exercised to find new ways of evading the law. Vessels of five tons or less were not required to take out either sea-letter or license, and consequently bonded cargoes were landed at St. Mary's on the Florida line, and, the vessels having been discharged from their bonds, the cargoes were placed on board these boats, conveyed across the border or perhaps reloaded for the West Indian ports. Similar evasions went on at Eastport, and all along the Canadian border smuggling was a thriving and a growing business. At this rate neither Great Britain nor

Smuggling practiced on the frontiers

France would realize that they were being made the objects of a peaceful war; coercion, to be effective, must first be practiced on Americans, but, unfortunately, coercion as a part of the embargo policy had never been announced. 1808

An act to enforce the embargo more effectually was submitted in February. By its provisions no "goods, wares, or merchandise," of any description whatever, should leave the limits of the United States either by sea or land while the embargo was in force. The minority had been chafing at the lack of information from the Executive, at the blind confidence with which the orders of the President were executed, and now their exasperated suspicions broke forth in violent denunciations. "We are," said Gardenier of New York, "urged forward by a sort of spell to the ruin of our country. Under the name of an embargo we are passing non-intercourse laws. Are the nation prepared for this? If you wish to try whether they are, tell them at once what is your object—tell them what you mean—tell them you mean to take part with the Grand Pacificator; or else drop your present course. Do not go on forging chains to fasten us to the car of the imperial conqueror. I am grieved to see that we are perpetually engaged in making additions and supplements to the embargo law. Wherever we can espy a hole, if it be no bigger than a wheat-straw, at which the industry and enterprise of our country can find vent, all our powers are called into requisition to stop it up." Then, insinuating that there was an unknown reason for this policy, he

The second supplement to the embargo

Causes irritation at the lack of information from the President

1808

added: "Darkness and mystery overshadow this House and the whole nation. We know nothing, we are permitted to know nothing, we legislate without knowing, nay, without wishing to know, why or wherefore." One member after another who supported the President denounced Gardenier's charges. They were "infamous, groundless falsehoods"; yet, after all, they were but the extreme expression of an opinion more or less prevalent among the people.

The enforcement of embargo

Meanwhile the Milan Decree was published in the United States and served to divide popular wrath with the Orders in Council. February 29, the second supplementary Embargo act passed, faintly defended and feebly explained by the majority, denounced by the minority as "abominable and anti-republican" in its domestic aspects, and childish as a coercive measure. Every little market boat and fishing smack was now within the purview of the law. Vexatious and annoying as it was, there was no great difficulty in enforcement on the coast, but on the Canadian border there was no way of stopping the open and industrious smuggling. Early in the spring it was reported that defiant preparations to break the embargo were being made in the country about Lake Champlain. Timber and produce were being collected; rafts were under construction, one, it was said, half a mile long, fortified and defended by five hundred armed men, and loaded with the last year's surplus products of Vermont. When the reports reached Jefferson, a proclamation was issued condemning

Proves more vexatious than efficacious

1808

Embargo-breaking leads to further restrictions

these illegal insurrectionary combinations, and calling upon the State officers, civil and military, to suppress them. The governors of New York and Vermont each called a detachment of militia into the field, but the rafts escaped them. Other attempts as daring if not equally successful were reported from various sections of the Union and led, in part, to a third supplementary embargo bill strengthening the restrictions already established and providing against newly discovered methods of infraction. April 22, an act authorized the President to suspend the embargo if circumstances warranted it during the recess of Congress. April 25, the first session of the tenth Congress came to an end, leaving behind it a memorable trail of wreckage in the form of shattered Republican principles. The army had been increased in time of peace; the power of the Executive had been extended to a degree hitherto unknown; the general government had laid a heavy hand upon local and private concerns.

Exceptions necessary to prevent famine

During the summer of 1808, the efforts of the administration were devoted, often unsuccessfully, to a general enforcement of the embargo. From the nature of the country, however, many exceptions were necessary. Permits were issued to import from other parts of the United States food supplies in sufficient quantities to prevent famine, supplies amounting in Massachusetts alone to fifty thousand barrels of flour and one hundred thousand bushels of corn. Governor Sullivan, who had successfully stemmed the tide of Federal opposition

1808

in the spring elections, supported these permits in the face of Jefferson's opposition. Were the certificates stopped the State would in three weeks be convulsed with mobs and riots, for the embargo was losing prestige and was undermining the Republican organization. Jefferson prepared to meet force with force if necessary and called upon the governors again for aid. With the entire navy patrolling the coast, not to repel a foreign squadron, but to keep American merchantmen at home; with the lately increased army guarding the Canadian frontier, not to ward off invasion, but to suppress domestic insurrection; with the Federalists complaining that the permits, or as they loved to call them, the Presidential Bulls of Indulgence, were themselves objects of barter and sale; with officials, from State governors to port collectors, openly refusing to enforce the laws, and whole communities threatening rebellion,—with all this as the result of Republican administration, what remained of Republican theory? How was the Constitution to be read in connection with such exercise of Federal authority?

The embargo proves fatal to Republican theory

Among the leaders of the Republicans, and even in the Cabinet itself, there were doubts concerning the efficiency of the embargo. On the floor of Congress Macon declared that the period must arrive when it would be a greater evil than war. Randolph in his caustic way made many bitter comments upon the moral effect of the law. The dishonest might make great fortunes, but the honest merchant and planter were ruined, the usurer flourished, and

And shakes Republican faith

contempt for the law was taught in the school of the embargo. Gallatin believed that measures to enforce the law must necessarily be arbitrary, dangerous and odious, but that such a restriction could not be enforced except by means as radical as the law itself. Jefferson's friend, William Johnson, whom he had appointed to the Supreme Bench, decided against Executive interpretation of the law, much to Jefferson's annoyance; but the constitutionality of the law itself was upheld by a Federal judge, John Davis, of the District Court of Massachusetts, on Federal lines of broad construction. In Europe the embargo failed to produce the effect anticipated. The law of April 22, which had authorized the President to suspend restrictions in return for favorable legislation by France or England, assumed far too much with respect to both countries. Armstrong informed Madison of Napoleon's declaration that Americans should be compelled to take the positive part of either friend or foe; Pinkney advised that the embargo be retained, but meanwhile Napoleon had issued the Bayonne Decree, April 17, ordering the confiscation of all American vessels entering French, Italian or Hanseatic ports. This decree, he carefully explained, was not put forth with hostile intent, since no American "could lawfully be abroad; since any vessel flying the American flag was violating a law of the United States or was sailing under fraudulent colors." "We have," said Armstrong, August 20, "somewhat overrated our means of coercing the two great belligerents

1808

The embargo not felt in Europe

The Bayonne Decree

1808

to a course of justice. . . . Here it [the embargo is not felt and in England . . . it is forgotten." When Madison extended the olive branch to England, promising the suspension of the embargo in return for the revocation of the Orders in Council, the reverses of Napoleon had begun; Great Britain, justly proud of her long defiance, of which the fortunate ending was now in sight, replied in terms of studied indifference and insolence. The American government was aware that the Berlin Decree was the beginning of an attempt to annihilate the political existence of Great Britain by the ruin of her commercial prosperity. Embargo was a measure which, without intention, had been applied just at a time when support of the British restrictions was most needed. His Majesty would be glad to contribute in any way to the good of the United States, would even facilitate the removal of the embargo if thereby he did not appear to deprecate its effect. Meanwhile British commerce flourished at the expense of the United States; the price of wheat had increased more than one hundred per cent. since the embargo, and the profits of the American trade were transferred to the British ship-owner. It is true that there had been protests when the embargo was first announced, and Pinkney believed that the effect of it had been indecisive because Great Britain doubted the seriousness of the United States. There had been hardship and suffering, but these were borne by the politically speechless laboring classes. The increased poor rates paid by the country squires bore no effective

Canning is sarcastic over the offer to repeal the embargo

proportion to the profits from the sale of grain and the monopolization of European trade. In fact, Jefferson's appeal was made to an England which had no political existence and was to have none for nearly a quarter of a century. 1808

The political situation, complicated even from the beginning of 1808, was further entangled by personal jealousies. Jefferson had but partially succeeded in conciliating Monroe, who had been much hurt by the rejection of the British treaty and who was now an avowed candidate for the Presidency. A caucus of the Virginia Legislature in January of 1809 recommended Madison; somewhat later a party meeting at Washington at which scarcely more than half of the Republican Congressmen were present, nominated Madison and George Clinton as the party leaders. Randolph and sixteen of his Republican followers protested against the caucus and against its candidates. Randolph supported Monroe in Virginia, while in New York George Clinton was urged to become the head of the ticket instead of Madison. Jefferson weakened his party still further by his apparent reluctance to communicate to Congress any definite information upon foreign affairs. The New England Federalists persistently charged the administration with adherence to French interests; warned the people against blind confidence in their rulers, and those States whose farms were on the ocean and whose harvests were gathered in every sea were urged to seek out measures of self-preservation. In Massachusetts the Federalists obtained

Monroe a candidate for the Presidency

1808

a decided majority in the legislature, and elected a Federalist successor to John Quincy Adams, whose term had not expired by eight months. The relapse of Massachusetts in April was followed in May by gains of the Federalists in New York. "Vermont is lost," Gallatin wrote in June of 1808; "New Hampshire is in a bad neighborhood, and Pennsylvania is extremely doubtful. The Federalists will turn us out by 4th of March next." In August his despondency increased: "I think that at this moment the Western States, Virginia, South Carolina and perhaps Georgia are the only sound States." Things soon took a more favorable turn: De Witt Clinton refused to join the Federalists in support of his uncle, George Clinton, as a candidate against Madison; the Federalists nominated the old ticket, Charles C. Pinckney and Rufus King; Monroe had yielded to the advice of his friends, and Madison was chosen President by forty votes less than the number given to Jefferson in 1804.

The Federalists gain

But Madison is elected

It had been apparent that the country would not remain quiescent much longer under the "terrapin war"; that while the opposition was clamoring for an immediate unconditional repeal, the Republicans were also casting about somewhat blindly for a substitute policy. The Cabinet, realizing how impossible it was that the solution could come from Congress, to whose wisdom it had been referred, urged the President to resume his wonted authority. Perhaps Jefferson shrank from giving the death-blow to his favorite theory; perhaps

1808

he still hoped for a lucky turn which would demonstrate the soundness of his views; but he answered the request of the Cabinet by taking a refuge behind a theory he had urged eight years before,—that the functions of an outgoing President were those of a figure-head; that a practical interregnum should intervene between the election and the installation of his successor. His annual message gave a colorless view of foreign affairs, and expressed full confidence in the competence of Congress to settle the question in dispute. In private he said that his part was that of a spectator, and he made no secret of his longing for relief and rest. These decisions Northern Republicans attributed to cowardice, to an unmanly shrinking from the responsibility of his own acts, while the Essex Federalists were more certain than ever that he had betrayed the country to Napoleon.

Jefferson refuses to intervene

No sooner had the President's message been read than resolutions were introduced in both House and Senate for the repeal of the embargo. The administration had one unanswerable reply to petitions and resolutions. There were three things that might be done: submit tamely to foreign aggression, remove the embargo, or declare war. Which of these would the Federalists prefer? The first, all admitted, could not be discussed, but a middle ground was sought which would avoid the evils of both war and embargo, and still be consistent with national honor and independence. In the House a special committee reported which urged a more rigid enforcement

On the question of repeal of the embargo

1808

of the embargo and measures to put the country in a state of defense. The debate showed that all felt the disgrace of submitting to the dictation of Great Britain or France, but that a majority was averse to war; yet the majority in both parties realized that the embargo was doomed. Josiah Quincy cried out for war rather than an embargo, and Campbell preferred war to an unconditional repeal, but the general sentiment was that some means must be found by which war might be avoided. Gallatin's report summed up the situation and intimated that the country could support a war without internal taxes. The British minister, Erskine, who had succeeded Merry, was impressed with the belief that this was the appointed time to bring about a settlement of the differences between Great Britain and the United States. He reported that war would surely result unless American grievances were redressed.

The embargo is intolerable

To be effective these reports must be confirmed by a continuation of the embargo, and on December 8, a bill was presented to make more effective that widely hated measure. Any attempt to transport specie, goods, wares or merchandise out of the United States was made high misdemeanor; goods might not lawfully be placed on board any vessel except in the presence of revenue officers, and collectors were empowered to refuse vessels permission to load "whenever, in their opinion, there was an intention of violating the embargo." Full power was placed in the President's hands to use the land and naval forces to carry out the

But Congress decides to enforce before repealing

1808-9

The enforcement act

provisions of the law. Had the repugnance of these restrictions to free government not been already demonstrated with scientific accuracy, this act would have done so. "This bill," said one member of Congress, "contains more conclusive arguments against the embargo than any that have been offered upon this floor. If your embargo system must be abandoned, or enforced by such acts as this, the people will not be long in deciding the question."

A practical and conclusive argument against the embargo

The Federalist newspapers printed the law in black-bordered columns; town meetings were held; committees of safety and correspondence suggested; an armed vessel sailed from Bath in defiance of pursuit; a hundred Massachusetts towns adopted resolutions declaring the general government oppressive, insincere, and subservient to France. Citizens of Boston declared that they would not voluntarily aid in executing the Enforcement act and that all those doing so should be considered as enemies of the Constitution. New York protested against being starved at "the mere will of a single individual." February 1, 1809, the Massachusetts Legislature adopted resolutions looking toward a concert of the commercial States for present relief and permanent security against the oppressive measures under which they were suffering. Three days later Governor Jonathan Trumbull of Connecticut refused compliance with a request of the Secretary of War that he designate militia officers "of known respect for the laws" to aid collectors in executing the Enforcement

1809 act. This law Trumbull believed to be unconstitutional; he declined to have any part in its enforcement; and, calling the Assembly together, he laid before them the duty of the State Legislature "to interpose their protecting shield between the rights and liberties of the people and the assumed power of the general government."

Meanwhile that general government was rent by opposing interests and divided counsels. William B. Giles, Senator Smith of Maryland, Vice-President George Clinton, were the leaders of the seceding faction. Northern Republicans were as relentless as the Federalists in their demands that the embargo be repealed; the old-time Republicans wished it retained, while those nearest the President-elect urged that it should not be removed before the end of the present administration. Josiah Quincy, on the floor of the House, charged the administration with a policy of deceit and said that nothing honest or straightforward could be expected from its successor. Neither administration had the slightest intention of war; as for the majority of the House, they "could not be kicked into war with either France or Great Britain. The House itself is a political nondescript. It acts and reasons and votes and performs all the operations of an animated being, and yet I can not refrain from concluding that all great political questions are settled somewhere else than on this floor."

A house divided against itself

From these goadings of the opposition the majority hoped to escape by passing a makeshift bill

1809

postponing decision to a special session to be called for the fourth Monday in May. Soon afterward Congress broke from Executive control, voted to put the neglected navy into active service, and, by concerted action of the opposition Republicans and Federalists, pressed for an immediate and unconditional repeal of the embargo. A resolution offered by Wilson Cary Nicholas provided that the United States, at a date to be fixed subsequently, should "resume, maintain and defend the navigation of the high seas"; should repeal the embargo. At the same time letters of marque and reprisal were authorized against Great Britain and France provided the Orders in Council and the French decrees were not withdrawn.

Clamor for repeal of the embargo

First the question of repeal was considered. Randolph proposed "forthwith"; February 16, March 4, the 1st of June were suggested, and the House wrestled in an agony of indecision upon each point. To fix a day beyond the 4th of March would be to encroach upon the powers of the next Congress; to repeal at once with alternative of war would cut off the time necessary to prepare for that event. One speaker favored an immediate declaration if war was to come at all, but believed that an armed merchant marine should be the first experiment. Another grieved over the repeal of the embargo more than "over a lost child" and begged the minority to support war. The majority, whether afraid of war or not, shrank from the responsibility of the declaration. The date of the repeal was fixed for March 4; the

The House shrinks from responsibility

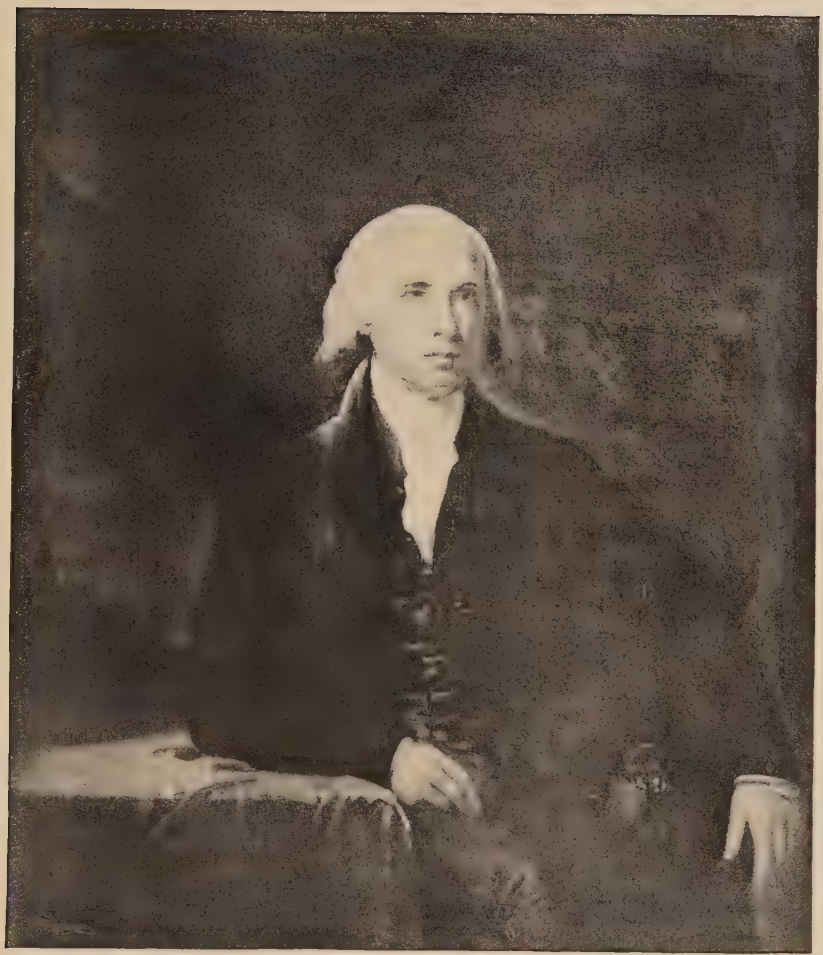
1809

clause authorizing letters of marque was stricken out and what was left of the resolution was transferred from the Committee of the Whole to that on Foreign Relations. The House wrangled hopelessly over a non-intercourse bill proposed by this committee and finally accepted a similar bill from the Senate.

Non-intercourse the accepted solution

From this act the House eliminated carefully everything that had a warlike sound, practically admitting the truth of Quincy's statement when he said that they could not be kicked into a fight. The bill had not a friend in the House, but members were so thoroughly disgusted with the embargo that any relief from it was acceptable. The law as passed, February 27, forbade the waters of the United States to public armed vessels of England and France; from and after March 15 part of the embargo laws were repealed and the rest from the end of the next session, except as they affected the two countries of France and Great Britain, and total non-intercourse with these offending nations declared in its stead. Private French and British vessels were from the same date forbidden to enter the waters and harbors of the United States, but the President was authorized to resume trade with either nation should the decrees or orders be revoked. March 1 the act became a law,—a mere "nominal prohibition," said Erskine. "The Americans naturally wish to be saved the complete humiliation of being obliged avowedly to recant all their violent declarations never to submit to the Orders in Council of Great Britain."

Including repeal of the embargo



JAMES MADISON.

1809

Jefferson's disappointment at the rejection of his policy

"The Federalists," said Jefferson to Dearborn, "by forcing us from the embargo, inflicted a wound on our interests which can never be cured. I have ever been anxious to avoid a war with England unless forced by a situation more losing than war itself; but I did believe we could coerce her to justice by peaceable means, and the embargo, evaded as it was, proved it would have coerced her had it been honestly executed. The proof Great Britain exhibited on that occasion that she can exercise such an influence in this country as to control the will of its government and three-fourths of its people is to me the most mortifying circumstance which has occurred since the establishment of our government."

Mortified and wounded by the manner in which his favorite policy had been rejected, deeply hurt by the knowledge of his loss of popularity and prestige, Jefferson had also to endure harassing reverses in his private fortunes due largely to the effects of his embargo upon his neglected Virginia estates. On the 4th of March he stood by while Madison took the oath of office. A little more than a week later, while the Federalist leaders, the "virtuous minority," were being feasted and flattered, Jefferson was riding through the sleet of a March storm to his beloved Monticello, "to the elysium of domestic affections and the irresponsible direction of my own affairs" which seemed such an inexpressible relief to the man who had found public affections so fickle and whose direction of the nation's affairs had been so rudely questioned.

End of his administration

1809 Few as were the regrets wasted upon the stormy end of an administration devoted to the philosophy of peace, the rejoicings over the accession of the new President were in the main perfunctory. It was not Madison, but the end of the embargo, toward which all eyes turned in hopeful expectation.

CHAPTER LXIV.

MADISON'S FIRST ADMINISTRATION

1809

As early as 1795, Jefferson had marked Madison for the Presidency. His was perhaps too quiet a nature, to meek a disposition for the troubled times in which he held the highest office in the nation's gift, yet there was much ground for Jefferson's confidence. No man was more likely to continue a conciliatory foreign policy, few men were better fitted to deal with the diplomatists of Europe, nor could one be found who would represent more faithfully the opinions of the people. The first three Presidents, each in his own way, impressed his personality strongly upon the government. It has been well said that "Washington ruled without a party, Adams in spite of a party, and Jefferson at the head of a party," but it was certain that Madison would yield more or less to party control.

Madison compared with his predecessors

It fell to Madison to become President in a crisis such as no man, save Lincoln, has had to face. In one way infinitely less portentous and less dangerous, the situation in 1809 was complicated by the spirit of faction within the dominant party, and a strong opposition without. There was no irresistible national sentiment like that which unified the North in 1861. The difficulty of 1809 was with two foreign countries, each of which

Times of Madison

1809

had numerous advocates within the United States. France was invulnerable by reason of her geographic position, England by reason of her strength upon the sea. Surely the chances of the American David were small compared with either Goliath, especially when David lacked a stout heart and a resolute soul. Yet neither France nor England desired war with the United States. Their ridicule of the embargo was not as light-hearted as it seemed. It was, however, in this baptism of insult and disgrace, in this severing of all the ties that bound the new world to the old, in the growth of the spirit of self-reliance, that the spirit of the later United States had birth.

Disregard of the United States

On the day that Madison took the oath of office there was a long procession of dignitaries and militia which ten thousand citizens observed and cheered. The small and prim person of the President-elect was clad in American clothes woven from the merino flocks of David Humphreys and Chancellor Livingston. In the evening the first inaugural ball was held at Long's hotel in Georgetown, where four hundred diplomats, officials and citizens with the beauty and fashion of the new capital gathered chiefly to pay court to Dolly Madison. The President's wife was dressed in a gown of yellow velvet, her jewels were pearls, and from her Paris turban of the latest mode nodded and bobbed the long plumes of the bird of paradise. Among the beaux was Robert Goodloe Harper, wonderfully attired, with huge black velvet bows on his shoes. In the company

The inauguration

DOLLY PAYNE MADISON.

1809

was a young man, Washington Irving, destined to be the father of American letters and to reveal to Europe the fact that there might be an American literature. To Irving Mrs. Madison appeared a fine, buxom lady with a winning smile and a pleasant word for every one. Her sisters were like two "Merry wives of Windsor: but as to Jemmy Madison,—Ah! poor Jemmy! he is but a little withered apple-john!" For eight years the Madisons made Washington socially a delightful city. The President's mansion was refurnished gorgeously; entertainments there and in private homes increased in splendor and magnificence. Weekly dinner parties became the rule, and the Republican court was again established with Mrs. Madison as its queen, while the assertion has been made that her tactful and somewhat masterful hand was not a little involved in the policy and politics of the administration.

Social life in the capital

Madison's inaugural was mild, almost colorless, in its tone. Excepting the removal of the embargo, there was no important question to be discussed. The United States had no wish to trespass on the rights or violate the security of other nations, but would continue to cultivate peace by observing justice and entitle themselves to the respect of the nations at war by fulfilling neutral obligations with unscrupulous impartiality. The government would continue to cultivate peace and friendly intercourse with all nations having corresponding dispositions; would prefer in all cases amicable discussion to an appeal to arms. All that

Madison's inaugural

1809

might be inferred from the message was that the President expected to follow closely in the steps of his predecessor. "He that is first in his own cause seemeth just, ere his neighbor searcheth him," was the remark of the *Columbian Centinel* as it placed the address before its Boston readers. Naturally, Madison would favor the policy which he had directed as Secretary of State, naturally he would laud his predecessor to whom he owed his high office, but, said the *Centinel,* the American reader is a much better judge than Madison of the policy as shown by its effects.

New England's criticism

The new President was particularly unfortunate in the fact that he was not free to choose his own advisors. It was evident that the same faction in the Senate led by Michael Leib, Samuel Smith, and Giles, which had thwarted Jefferson for selfish ends, now proposed to dictate to his successor. By all the rights conferred by services and talents the first place in the administration should go to Gallatin, and a proposition was made that Robert Smith, the brother of the Senator, be given the Treasury. But Gallatin had no desire to fill both offices, and in declining recommended that the Department of State be given to Robert Smith. William Eustis of Massachusetts was made Secretary of War. Paul Hamilton of South Carolina received the Navy Department, Rodney was continued as Attorney General, as was Granger in the Post-office. Madison's Cabinet, Gallatin excepted, was the weakest that the country had yet known, inferior to Washington's second

The Cabinet

Cabinet or that of John Adams. It was well known that Gallatin would oppose expenditures for the military and naval services, and in doing so would combine against him the influence of Eustis and Hamilton with the prejudice of Smith. 1809

In addition to the weakness produced by internal dissension, the Republicans lost heavily in the spring elections. In Massachusetts, New Hampshire, Rhode Island, New York, and Maryland there were decided gains or party victories. Connecticut purged herself wholly of the taint of Republicanism. In Pennsylvania there was a clash between the judiciary and the State authorities growing out of a Revolutionary incident, the capture of the British sloop *Active*. The State courts had made one decision; the Committee on Appeals of the Continental Congress, another. The Federal courts as the successors of this committee upheld its decision. The State militia was called out to prevent the Federal marshal from serving a writ of attachment, but the President expressed his determination to uphold the judiciary; the marshal by strategy served his writ, a convenient avenue of escape was offered to the State, and the matter was settled after a fine had been imposed upon the militia,—a fine which the President remitted because the troops had acted from a mistaken sense of duty. The Olmstead case

It was not long before the administration became the most popular that the country had known since the inauguration of Washington, and the reason lay in an apparently successful agreement

1809

with England. On the 7th of April new instructions were received by the British minister, instructions forced from Canning by reason of the political state of Europe and the danger of an American war. The next two weeks were spent in negotiation. April 21, it was answered that after the 10th of the following June vessels of the United States might trade with foreign ports not subject to France, and with Great Britain and her dependencies. Erskine stated first that his Majesty was most anxious to settle the differences which had separated the two countries. In return for laws which would place England upon the same footing as other belligerents, reparation would be made for the insult to the *Chesapeake,* the men impressed would be replaced upon the *Chesapeake's* deck, and as an act of "spontaneous generosity" the British government would provide for the support of the widows and children of the slain. Congress, however, would be expected to approve a disavowal of Barron's statement that he had no deserters on board, and to discountenance desertion if other reparation than a return of the men was to be expected.

Erkine brings the olive branch

The Orders in Council might be withdrawn upon these conditions. All non-importation or non-intercourse acts were to be suspended as to England, but enforced as to France; the United States was to accept during the continuance of the war the Rule of 1756; and, finally, upon an unwarranted interpretation of a remark of Pinkney, the impossible condition that British ships of war should

Terms proposed

be free to enforce non-importation with France or her allies. Erskine assumed from the tone of his instructions that a settlement was desired, and was willing to make concessions in order to succeed. The substitution of non-intercourse for the embargo fulfilled the first of the conditions. Reparation was offered and accepted for the insult to the *Chesapeake,* but not without an unfortunate intimation on the part of the United States that a further punishment of Admiral Berkeley "would best comport with what is due from his Britannic Majesty to his own honor." This remark, the British ministry asserted later, was an insult to the King. 1809

Upon the question of the Orders in Council, and a consideration of the President's constitutional powers, Erskine believed the first condition to be satisfied by an executive proclamation forbidding trade with France, but allowing it to England. He was assured that commerce with France and her colonies was already suspended by law, thus making unnecessary any especial recognition of the Rule of 1756. The third and most extraordinary demand that British war vessels should be allowed to execute the laws of the United States was at once declared impossible, but was thought to be immaterial since no vessel caught in the act of violating the law could claim redress. To these modifications Erskine agreed, and on April 17 the President's proclamation was issued which permitted trade with England after the 10th of the following June. The Erskine agreement

1809

No sooner had the proclamation been issued than hundreds of vessels prepared to sail for foreign ports. Rates advanced, shipyards were busy day and night, and great quantities of produce began to move to the seaboard. The Federalists claimed all the credit for the happy relief from war.

All parties rejoice

Throughout New England there were bonfires, bell-ringing and banquets. In New York, Philadelphia and southern ports the merchants and shippers were jubilant. Even in distant Marietta the news was made the occasion of a public rejoicing. "The great object of the exertions of the Federalists is attained," said the *Columbian Centinel*. "Honesty and plain dealing have prevailed. An opportunity now offers to consolidate a union between the two most commercial nations in the world. Now let party names be dropped and let it be the object of all to give dignity to the American character." For a time the President was overwhelmed with popular favor, and the ease with which the British agreement had been made was held to be a direct proof of the anti-English sentiments harbored by his predecessor. A few carping critics to whom no one gave heed pointed out

Except manufacturers

that Madison had exceeded the law,—that intercourse was to follow and not to precede the revocation of the Orders in Council. One class, however, found but little cause for rejoicing in the resumption of trade. Home industries were just beginning, and competition with the overproduction, the low wages, the better machinery of England was impossible.

1809

The eleventh Congress met, May 22, for its first and special session. Giles and Crawford were the Republican leaders in the Senate; Farnum, Macon, Eppes, Alston, and Richard M. Johnson, the House leaders, were hardly a match for Quincy, Livermore, and Gardenier, the Federalists. Numerically, the opposition was strong, but there was throughout the session a spirit of harmony and good feeling. The President recommended to Congress the legislation necessary to enforce the agreement with Erskine, urged the duty of fostering the domestic manufactures which had sprung up during the embargo, proposed further reductions in the appropriations of the army and navy since the gunboats were not in commission and the militia under call had been disbanded.

The President's message

To Randolph this recommendation served as an occasion for introducing one of his favorite hobbies. Disband what was left of the regular army, he urged, and devote the money to the militia, the real resource of the country in a time of war. A troublesome resolution concerning the preceding administration, a motion disguised in the form of a support of Madison's policy, was urged repeatedly by Randolph and was with difficulty forced into the background. The most important act of the session dropped the embargo; continued non-importation but excepted English goods, and admitted French war vessels to the ports of the United States notwithstanding Erskine's endeavors to prevent it. In this provision there was evidently a desire to appease the wrath

Randolph attacks the army

Small favor to France

1809

of the French minister, Turreau, who was much offended by the free and somewhat disrespectful popular view of Napoleon, the august representative of France. A proposition to allow free trade with Hayti served to arouse the fears of the Southern men, who predicted a servile war as a result of the relations with the slave republic. The Federalists joined in the opposition, advancing the argument that became so well known in the next half century. The Constitution had guaranteed a particular social condition in the Southern States, and any change endangering that promise would be hostile to that Constitution which the members of Congress had sworn to protect. In short, the wishes and opinions of the South in all that pertained to the peculiar and local institution of slavery were to be respected out of regard to the constitutional compact. For the remainder of the session Congress engaged in fruitless debates, adjourning on June 28 to the first Monday in November.

Slavery discussed

Meanwhile the President's proclamation had hastened the release of a fleet of imprisoned vessels bearing the surplus products of the seaboard States. Two days before the 10th of June, while the cities of the coast were preparing to celebrate the resumption of trade, word reached America of a new Order in Council superseding those of November, 1807. Issued as a favor to British ship owners and India merchants, the order affected in Europe only the ports of northern Italy, Holland, and France; but its operation was extended also

Commercial activity

ROBERT STEWART, VISCOUNT CASTLEREAGH.

1809

A new Order in Council

to the French and Dutch colonies in order to cut off their markets and perhaps win them over to the cause of Great Britain. Many Englishmen believed that a decided concession had been made to America, and Pinkney asserted that the essential demands of the United States had been met. France was not likely to resort to war in defense of a system which bore heavily upon her allies; the United States was already threatening the Spanish colonies, the only vulnerable spot presented by the allies, and it seemed possible that the new Order in Council would bring about a revocation of the French decrees.

Alarm in the United States

In America the contradiction between the changed policy of England as now expressed and the previous agreement with Erskine was the cause of much uneasiness. Had Erskine exceeded his instructions; had Canning disavowed his work, or had the American negotiators attempted to force the hand of the British government? That Canning had authorized, in January, a convention to be repudiated the following May seemed improbable, yet many circumstances pointed to that fact. Erskine assured the administration that the new orders would in no way affect the agreement which he had signed, yet the feeling of uncertainty was not allayed. "I am at a loss to know from which we have the most to fear, the folly or the faithlessness of the Cannings and Castlereaghs of the British ministry," Jefferson wrote. "I fear a return of our difficulties and it will be with increased force if they do recur."

1809

Erskine announces his work

On the 30th of April Erskine sent to Canning an account of his negotiations and their results. He had, according to his instructions, been guided by the favorable disposition and evident desire of the United States to make peace. While he had not adhered to the strict rôle marked out for him, yet the spirit of his obedience was evident from his dispatches, and as a partial proof of the success of his endeavors he cited the anger of the French minister when the negotiations were published. In his earnest wish to make peace between the two countries Erskine set aside his instructions; had been guided by the spirit of an English liberal rather than by the letter of an English tory, and had perhaps assumed that his family and personal influence would give a successful turn to his efforts. He was persuaded, too, that he had obtained the substance of the demands made by England.

And is disavowed

Erskine's dispatches describing the results of his mission reached Canning the 22d of May. Three days later a disavowal was published. An absurd or ridiculous situation always appealed to Canning's grim, sardonic humor, and in the course of his long public service fate had never shifted the cards into so strange a combination as the one now presented. It had been his policy from the first to prevent the United States from reaping the immense profits of neutral trade; he had made a profession of friendship under equivocal conditions; he had secured the removal of all grievances of which England complained, but the submission had left to America a single vestige

1809

of independence and self-respect; had made it appear that Great Britain had yielded to some degree in her pretensions, yet even to Canning the rejection of his subordinate's work on the grounds given must have seemed thoroughly arbitrary. Canning informed Erskine at once of the reasons for the disavowal. He had departed widely from his instructions in important and delicate negotiations; he had omitted from the Chesapeake discussion a preliminary of the utmost importance; he had received, apparently without remonstrance, a note containing expressions reflecting upon the dignity of the King. Of the three conditions preliminary to a revocation of the Orders in Council not one had been obtained, and yet his Majesty had been pledged to the full extent of the concession. His Majesty was therefore placed in the painful alternative of having "either to refuse to abide by an engagement taken in his name by an accredited minister, or to acquiesce in a measure which had been adopted not only without conformity to his Majesty's views, but in contradiction to his positive directions." Not only was Erskine's agreement disavowed, but he was recalled and the appointment of a successor announced.

Erskine's failings

The first result of the disavowal in America was bewildered astonishment. Men sought a satisfactory reason, but without success. Had the mercantile interests of Great Britain been terrified by the prospect of the sudden influx of American products; had the danger of an American war seemed less formidable than before, or had the

Effect in the United States

1809

repeal of the embargo and subsequent laws given England all the advantages that had been expected to result from the negotiation? The Federalists, who had paraded with so much satisfaction the signal moderation of the British government, still predicted a satisfactory agreement or were inclined to blame Madison and his Cabinet for seducing the trusting and guileless British envoy. The Republican press adopted a tone of angry remonstrance, yet until Congress acted war was impossible. Nor was the nation in any respect ready for war. During the much maligned embargo, in the words of Gallatin, "our mercantile wealth was safe at home, our resources active and our finances sufficient to carry us through the first year of war. Now our property is afloat, England has been reprovisioned, and our treasury is weak."

Anger of the people

In a note to Pinkney, Canning had said that another minister would be sent to America. Not a special envoy, as had been suggested previously, but one to do the work in which Erskine had bungled, and in the choice of diplomatic agents Canning's insulting contempt for all things American was especially conspicuous. Had Erskine followed his instructions to the satisfaction of the Foreign Office, George Henry Rose would have been sent to make the treaty. Considering the opinions held by Rose, the choice was not a happy one; but Erskine failing, the man selected to bear the olive branch was none other than Francis James Jackson, the hero of Copenhagen, the hammer of neutrals, the man whose studied British insolence

Another minister appointed

1809

contrasted strongly with his many private virtues. It was Jackson's pride to vindicate and proclaim as offensively as possible the extreme dignity and peculiar prerogatives of the British monarchy. He was, of all men, the best fitted to impress a cowardly nation, such as Canning conceived the United States to be, with the importance of accepting tamely and gratefully whatever favors Great Britain might choose to grant. Moreover, Jackson was sent not to explain the disavowal and recall of Erskine, not to express on the part of England any further desire to amicable relations, but to receive and hear any propositions coming from the United States.

Jackson's personality

Canning's instructions to Jackson were four in number. Any complaint on the part of the United States of the treatment accorded Erskine was to be met by citing the lately rejected Monroe and Pinkney treaty. This government was to be told that it had been guilty of bad faith with England by the premature publication of the Erskine agreement, which it had signed knowing it to be contrary to Erskine's instructions; that the United States must know that the well-known policy of Great Britain would not be abandoned for the repeal of non-intercourse without any new motive or any apparent change in the disposition of the enemy. The burden of blame was to be placed upon the United States by "converting the responsibility of the British government for the disavowal into a reproach on the American government for its conduct in the transaction disavowed."

His instructions

1809

The fourth instruction referred to the forms in which any agreement made by Jackson must be expressed; the remaining three to the *Chesapeake* affair, the Orders in Council, and the Rule of 1756. Before any reparation could be made for the attack upon the *Chesapeake* the United States must in writing agree to withdraw the proclamation forbidding British warships from entering American waters; the recall of Admiral Berkeley must be considered as a sufficient punishment, although his conduct had been rewarded by promotion, and the United States must admit the right of Great Britain to take her subjects wherever found. In negotiating for the removal of the Orders in Council Erskine had mistaken the "incidental consequence for the real object"; he had conceded the whole point in dispute while the United States did nothing in return. The Orders in Council would be withdrawn only upon the prohibition by the United States of all trade with France and her allies so long as the French decrees remained in force. The United States must, in fact, abandon the position of neutrality and unite commercially, at least, with England. Finally, there could be no new interpretation of the Rule of 1756, nor would a mere understanding define its importance. Exceptions had been made as a matter of indulgence, but the principle still existed. The United States might, if it preferred, recognize and sanction it by treaty, but this was immaterial since it could be enforced equally well by an Order in Council.

Great Britain to make no concessions

1809

Under such directions Jackson was to receive the propositions of the United States. Canning must have known when they were framed that Jackson had no possible chance of success had his temper been the most conciliatory. The mission served, however, to make it appear that the British ministry desired peace and thus to add an element of strength to the sorely tried Tory Cabinet, while the instructions served to make an agreement impossible and confirmed advantageous monopolies in the hands of the British traders and land owners. To Madison the attitude of the British government was surprising even in the list of their follies. At first he was inclined to believe that the whole affair was a plot to supply their wants, an act of governmental piracy. Gallatin advised against any concession and hoped that negotiations might be brought to a speedy close, believing that Jackson's mission was a temporizing one as that of Rose had been. With the publication by Great Britain of Erskine's instructions and his correspondence with Canning, all of the President's hopes for an amicable understanding vanished and he concluded that the conduct of Great Britain was inconceivable from any standpoint. Meanwhile Erskine had defended himself as best he could, denying some of Canning's charges and pleading the spirit of his instructions in justification of his conduct. In the United States, no one questioned his honor or good faith, and few believed but that he had been the victim of a skillful and unscrupulous diplomatic plot.

Suspected reasons for Jackson's mission

1809

After the first moment of bewilderment the country speedily divided upon the question. The Federalists threw all the blame upon Madison and his Cabinet. If they had known Erskine's instructions they must have known that his agreement was contrary to them. That they were so informed seemed probable since Canning had revealed these conditions in full to Pinkney. To put the case mildly, Erskine had been led on step by step to agree to the Cabinet view of the situation and had been persuaded that he was observing the directions of his own government. The Republicans were equally vigorous in defense of the President. "Is Mr. Erskine a traitor to his government, a fool, or a madman thus to commit himself? We must conclude," said the *National Intelligencer*, "that Mr. Erskine was authorized to make the overtures he proposed. His instructions were framed while the embargo was still in force, and seemed likely to continue. The trades, manufactures and navigation of England were threatened with vital injury. The disavowal was made after prices of American products had declined thirty-five per cent., after British markets had been supplied with American raw materials. The instructions to Erskine were, no doubt, equivocal and so worded that in the case of a new coalition or successes on the Continent they could be interpreted differently and the minister made a sacrifice." Whatever the causes that prompted Canning's action, it was evident that the President's proclamation of April 19 authorizing intercourse with

Federalist views

The Republicans defend Erskine

Great Britain must be revoked. On the 9th of August the several acts by which foreign trade was suspended were declared to be again in force, and exceptions were made corresponding to those established by Great Britain, of vessels which had in good faith taken advantage of the Erskine agreement. 1809

For a time Madison hoped that a favorable turn might be given to Jackson's mission. The general shiftiness of Canning's policy and the character of the new envoy were not calculated to strengthen his optimistic view, while Jackson himself, soon after his arrival, made statements creating distrust in his motives and purposes. To refuse to receive him would emphasize unduly the importance of the man and his mission; yet at times Madison inclined to the opinion that he had been appointed only to be rejected, or, at best, that he would not have been chosen had conciliation formed any part of Canning's plan. Fortunately, Jackson was unaware of all this distrust and arrived in Washington early in September with his family, his liveried servants, his carriages and plate, apparently anticipating a long and happy residence. While appreciating the seriousness of the task before him, he was not without hope of a successful result. The decided superiority of the British navy would, in all probability, compel the American government to accept the terms which he was to propose. With the confidence of the English gentleman of Tory proclivities in the perfection of the British government and an utter disregard

Madison's opinion of Jackson's appointment

1809

of American affairs, he looked upon the nation to which he was accredited as an ill-governed or ungoverned mob. He was aware, also, that a part of the country was in sympathy with England even to the support of English policy, but he failed from the outset in his estimate of the attitude of the administration. For nearly a month he remained at Washington awaiting the arrival of the President and studying Erskine's official correspondence. The more of it he read, the warmer grew his British wrath. He noted with satisfaction that his callers were men of a different stamp than Erskine's associates; he concluded that it would be charitable to use no harsher term than fool in describing Erskine's conduct, wondered that he had been allowed to remain two years, and grew angrier every moment as he saw how England had been vilified and traduced by the weakness of her minister, Erskine, and the cunning of the Americans.

Jackson's opinion of Erskine

President Madison returned to Washington on the first day of October. Two days later Jackson was formally received and soon afterward had his first interview with Robert Smith, the Secretary of State, in which he made the statement that he had nothing to propose; that the United States was expected to make the first advance. According to Jackson's report, Smith was astonished, as well he might have been, and so disconcerted that he could not reply. Another interview followed in which Smith again failed to obtain information concerning the nature of Jackson's instructions.

Negotiations begin

Clearly the situation was too complicated for the limited knowledge and experience of the Secretary, and henceforward communications were prepared by the President's own hand. Madison believed that Jackson was acting according to some definite plan to defeat or entangle the government, and, in a note of October 9, intimated that further negotiations should be in writing since oral communications were subject to misunderstandings. Meanwhile Jackson had disclosed his instructions respecting the *Chesapeake* affair and the Orders in Council, and now expostulated vigorously against the lack of confidence shown in Madison's last note. Nowhere in the annals of diplomacy could a precedent be found for such conduct, but he would submit, under protest, to the harsh condition. Explanations of the disavowal were unnecessary, he added, since Erskine in America and Pinkney in London were fully informed of the reasons upon which the British Cabinet acted. Moreover, the correspondence of Erskine showed that the Secretary of State was familiar with his instructions, and that this was so, the substitution of one set for another was conclusive proof. The statement that there were two sets was unfounded and Jackson intimated plainly that the Secretary knew this to be true.

1809

Madison forces the issue

In his reply Madison disregarded the evident attempt on the part of the British minister to convict him of fraudulent dealing and limited himself in justification of his request for written communications to citing the case of Canning's treatment

1809

of Pinkney. Upon sound reasoning, indeed that of Canning himself, the United States rightfully expected an explanation of the disavowal; and, finally, the government did not know that Erskine had but one set of instructions, otherwise the arrangement would not have been made. October 23, Jackson replied, admitting the fact that ministers were often instructed as to the limits of their action, but again expressly denying that Erskine had such graduated instructions and again insinuating that Madison was acquainted with that fact. The President repelled the insinuation and intimated that a repetition of the insult would not be permitted, and asked the extent of Jackson's own powers. The British minister admitted that he had full power in all matters between the two countries; asserted that in all questions concerning the propriety of his conduct, his royal master was to be the only judge; explained that he should not deviate from the respect due to the United States, but again declared plainly that the government of the United States had acted fraudulently in the Erskine negotiations. His instructions required that he should vindicate Canning's honor at Madison's expense. He did so and on November 8 was informed that no further communication could be held with him; that his government would be informed of the fact, and that the United States would receive willingly any advances through other channels.

Jackson repeats his charges

Is dismissed

Jackson was not a little dismayed and was deeply angered by this unexpected termination of his mission, which had lasted somewhat over two

months. He had carried out Canning's instructions to the letter; there had been none of the usual methods of diplomacy, but he had been brutally candid and direct. Jackson had reflected all of Canning's hatred and contempt for democracy; had demanded, in fact, that the United States relinquish its rights as a sovereign state as the price of an accommodation with England. Jackson protested, through his secretary, that his dismissal was not warranted by his offense, which had been in stating the situation in terms prescribed in his instructions. He could not imagine that offense could be taken when none had been intended. In reply, the Secretary of State explained carefully the reason for the rupture. It was not in the statement that Erskine's propositions had been submitted to the American government, it was not in the assertion that these were the only instructions, but the offense was the repeated declaration that this government was aware of the restrictions, and the consequent implication that Erskine had been led to disregard them.

1809

Jackson's protest

As another means of self-defense Jackson published a circular letter to the British consuls, informing them that his relations with the government had been broken off and explaining his conduct as he had done in his letter to Secretary Smith. The publication was an appeal to the people, an attempt to secure the support of public opinion, and an arraignment of the administration. Everywhere the Federalists united to support Jackson and to condemn Madison. In New York

His letter to the consuls

1810

the rejected envoy was overwhelmed with attentions. The Legislature of Massachusetts declared that there had been no adequate cause for rupture; elsewhere it was said that prospects of peace had been thrown away for a doubtful insinuation. Massachusetts, in Jackson's opinion, had done much to justify his cause to the world; its legislature, no mob like others that had expressed less complimentary opinions, had found him blameless and had censured the government by which he had been so badly used. The attitude of the British minister, said the Republicans, was the customary one adopted by Great Britain toward the United States. Erskine's instructions had been intended as a lure to attract American shipping to British ports, and as such had been notably effective, since the towns of England were filled with American raw materials. In either case the chief object of Canning's diplomacy had been obtained; immediate action on the part of the United States had been prevented, and the restrictive policy of Great Britain was as firmly established as before.

Jackson in New England

Serious as were the relations with Great Britain, the United States was even more unfortunate in her dealings with France. Duplicity was not an English fault, but no man could foresee or foretell Napoleon's conduct. The Continental system, as a possible means of crippling his most implacable enemy, was not to be modified by any pressure within the resources of the United States. Imperial control extended over the European ports, those of Russia and Spain

Relations with France

NAPOLEON.

COUNT DE CHAMPAGNY.

in part excepted, and the privateers of Denmark united with those of France to prey upon American commerce in the northern seas. The nations of the Continent paid tribute to the Emperor, the United States contributed its sequestered vessels and captured cargoes. For six years the list of grievances against France had been growing and for not one of them had reparation been offered. By such means France sought to arouse the enmity of the United States toward England. Even the small compensation of the Floridas, which would have atoned for many aggressions, was persistently denied. 1804-10

Napoleon regarded the embargo as a powerful adjunct to his Continental system, and the news that America had repudiated it, reached him in the midst of the campaign which was to determine the fate of Austria. Turreau, the French minister at Washington, was indignant and angry, believing non-intercourse to be a hostile policy directed especially toward France. In his opinion the Emperor could not overlook it, but must retaliate, though it might be advisable to defer action until the attitude of the approaching session of Congress should be known. Meanwhile Austria had been driven to resistance; her armies crossed the Inn April 9. Four days later Napoleon was at Paris on his way from Madrid to the Danube; on the 18th his headquarters were established at Ingolstadt, and with an army gathered as if by magic from Bavaria and Wurtemburg, the Emperor swept the Austrians from the field in a five-days' campaign.

Napoleon's view of non-intercourse

1809 May-July

Vienna yielded to the imperial armies May 11; the reverses of Aspern and Essling followed, but on the 5th and 6th of July all was retrieved for Bonaparte and lost for Austria by the glorious and bloody contest of Wagram, one of the greatest of Napoleon's victories.

Proposals to France

On the 29th of April the Non-intercourse act was announced to the Minister of Foreign Affairs, with the statement that any applications of French decrees which would respect the neutrality of the United States would be followed by reëstablishment of trade. Bonaparte's refusal, dated May 18, was expressed in the picturesque language which the Emperor often used. "The seas," he said, "belong to all nations. Every vessel sailing under the flag of any nation whatsoever, recognized and avowed by it, ought to be on the ocean as if it were in its own ports. The flag flying from the top of a merchantman ought to be respected as though it were on top of a village steeple. To insult a merchant vessel carrying the flag of any power is to make an incursion into a village or colony belonging to that power." In other words, a vessel submitting to search or to visitation by the enemies of the Continental system, in order to determine its nationality and destination, became a subject vessel and was thereafter the property of France.

Bonaparte's reply

There were powerful causes at work, not only in European countries now subject to Napoleon, but in France as well, to modify the application of this principle. France had suffered heavily by

reason of the interruption of neutral commerce; trade had almost ceased for want of markets, manufactures for want of raw materials. Among the Emperor's ministers were men as yet not dazzled or deluded by the brilliance of his exploits in war, men who realized that the life-blood of France was being drained drop by drop to support magnificent but impossible plans of universal empire, and to feed the implacable resentment which Napoleon felt against England. The Emperor was urged to modify his policy toward the United States and at the same time it was reported that Erskine's agreement had led to a commercial convention with England. Affected by this combination of causes, the Emperor was not unwilling to make concessions and had in fact begun negotiations, when the disavowal of Erskine occurred to prevent any favors to British commerce, while Wagram made Napoleon's position as secure as it had formerly been precarious.

1809

The Emperor's position secured

The Emperor's plans for concession were now at an end; the Continental system was to be enforced in all its rigor, and America must pay for the Non-intercourse act. On the 20th of May an American schooner entered the Spanish port of San Sebastian, the first of an expected fleet since trade had been legalized by the United States. The vessel violated none of the decrees of France, had not visited another port, had not been subjected to British visitation, could not be charged with fraud and therefore could not be confiscated except in retaliation for the law which Bonaparte affected

New confiscations

1809

to consider as a discrimination against France. Napoleon was not willing to attempt to justify his conduct to the world, hence a secret decree was issued confiscating the schooner and its cargo; consigning the proceeds to the sinking fund, and directing that thereafter any American vessel entering the ports of France, Spain, or Italy should be subject to the same treatment.

Louis Bonaparte refuses to close Holland

All avenues of redress were now closed save one. In Holland Napoleon's brother Louis had declined to play the part assigned him, and had attempted to act independently for the good of his people, declining to execute the Berlin Decree and permitting trade to be carried on freely. In August the American minister, Armstrong, visited Amsterdam, where he had an interview with the King, and learned that the imperial policy was condemned unsparingly by Bonaparte's family. But the Emperor was firm in his determination and eventually enforced his will even to the extent of incorporating Holland with the imperial territories. Armstrong could do no more than to return to Paris, where he received a note explaining still further Napoleon's position, and announcing that the ports of Holland, Germany, Spain, and Italy were closed to any form of commerce which France was not permitted to enjoy. Notwithstanding this announcement, American vessels still visited French ports, for it was a part of Napoleon's plan to make numerous and arbitrary exceptions to his rules, as his necessities required; and, moreover, an uncertain, shifting policy afforded unlimited

Napoleon brooks no opposition

opportunities to improve passing advantages. Such was the situation, November 29, when the eleventh Congress convened in its second session. 1809

Following the customary formula, Madison expressed his sense of pleasure in the general prosperity of the country, in the rapid increase of manufactures, due largely to foreign restrictions upon American trade. The work of the arsenals in supplying arms, the progress of the coast defenses, the equipment of the navy, and above all the necessity of a well-drilled and active militia, were minor subjects brought to the attention of Congress, but foreign affairs were of chief importance. Here there was a long list of disappointments, including the failure of Erskine's well-meant efforts, Jackson's short but stormy mission, Pinkney's unfavorable reports from London, and Armstrong's gloomy predictions of Napoleon's purposes. In Madison's opinion a domestic crisis was at hand, because of the insecurity of commerce and the consequent effect upon the treasury. The President made no suggestions, but left to the wisdom of an unwilling Congress, a task far beyond its strength. In the Senate the combination against Gallatin was stronger than ever, and of the enemies of the latter, none had been the cause of so much annoyance by reason of his incompetence and his criticism as Robert Smith, the Secretary of State. Madison had written his dispatches for him and had shielded him for a time, but was now making advances to Monroe as Smith's possible successor.

The President's message

Shows a dubious foreign outlook

1809

Precarious state of the Treasury

The condition of the Treasury was threatening. A deficit was certain unless some new source of revenue could be devised, but a Republican administration could not consistently increase taxes or borrow money in time of peace. Officially the main outlets of American commerce were closed, but upon the border smuggling went on unchecked; British and French goods found their way into the country duty free. Clearly non-intercourse was no more effective than the embargo as a measure of coercion or protection, and under its operation the revenue was less that it had been before the embargo. In his report Gallatin showed that one of two things should be done; either an effective, thorough embargo should be established, or commercial restrictions of all sorts removed. The present act did not forbid exportation by land. No bonds were required for coastwise trade, and vessels habitually sailed to prohibited ports. The government was deprived of its income, American products brought the lowest prices, and foreign goods were sold at exorbitant figures. Yet in view of this showing it was certain that any remedy proposed by Gallatin would be opposed by his enemies in Congress and the Cabinet. The navy was in disorder, vast sums had been expended without results, the gunboats were of little service, the entire naval strength of the United States consisted of a few frigates. The army was commanded by Wilkinson, whose stubborn egotism had caused the death or demoralization of a force of two thousand men, entrusted to him in the summer of 1809.

Disorder of the army and navy

1809

The Senate denounces Jackson's circular

Congress acted promptly upon that part of the President's message which referred to the relations with Jackson. Resolutions introduced into the Senate by Giles, December 5, denounced his circular letter as "a direct and aggravated insult and affront," and called upon Congress to pledge its support to the President, "to assert and maintain the rights, honors, and interest of the United States." Three days later, on the floor of the Senate, Giles emphasized the importance of decided action. Great Britain should know the will of Congress, should know whether she had for her prey a divided people. Men might argue and differ as they pleased among themselves concerning internal conditions, but in foreign affairs and after the government had determined its policy, citizens should rally universally to its support. "In a contest between your own and a foreign nation," said Giles, "it can never be wrong to join the standard of your own country, nor right to join the standard of your enemy. Here is the rallying point. It is a plain and obvious one. No heart can disapprove it. It is our government." So general was the sentiment that the resolutions were passed after a short debate, with only four dissenting votes.

And declares the duty of supporting the government

On the 18th of December the resolutions were taken up in the House, and rarely has an American Congress shown such weakness. Perhaps never has an American Congress confronted a European situation of such strength and difficulty. The majority would justify the administration for the

1809

stand it had taken, but beyond approbation they had no remedies to suggest, no resistance to offer. The majority could not even discern wherein the United States had been insulted. Jackson, urged to give the reason for Erskine's recall, had replied truthfully and faithfully to his instructions, and for this he had been dismissed. Moreover, the Giles resolutions were far too harsh in their denunciation of an accredited minister. What would be the result? Was the government prepared to go to war, not to secure redress for wrongs, or to obtain commercial rights, but to avenge an imaginary insult? England had made war a trade for years and could without difficulty blockade the coast from Maine to Georgia. The resolutions, said another speaker, are not a declaration of war, but a solemn declaration that the nation has been abused and dishonored, a declaration that the rights and honor of her people will be maintained though a shadow be cast upon the honor of a foreigner. The insult is a constructive one, said Jackson's sympathizers. Perhaps Canning had been deceived by Pinkney's representation, perhaps the President had been in part responsible for the incident. Finally, at the close of a nineteen-hour discussion, and by help of a new construction of the rule of the previous question, the resolutions passed the House by a majority of thirty-one.

The House a prey to irresolution

Finally agrees to Giles' resolutions

Three courses were open to Congress: embargo, non-intercourse, and permission to merchant vessels to arm in their own defense. The opinion began to prevail that war might result; but, if so, with

whom should war be declared? Evidently no concession was to be expected from either England or France. The Non-intercourse act would expire with this session of Congress, and early in December a committee with Macon as its chairman had begun the search for a substitute. On December 19 Macon reported what is now generally known as Macon's bill No. 1, but was better defined by its contemporary title, the American Navigation act. Gallatin was the reputed author of the measure, which had been discussed and approved by the Cabinet. By it all vessels of Great Britain or France, public or private, were prohibited from entering the waters of the United States. All merchandise of either country, coming from the place of production, was to be brought in American vessels; in other words American trade was to be restricted to American shipping. It would be difficult to find a milder measure of protest, yet it met with decided opposition and was lost finally in the Senate by the combination of those who condemned its weakness and with those who feared that it was too strong.

1809

Macon's bill No. 1

Offends the bold and the timid

For three weeks the bill was discussed in the House. All agreed upon the repeal of the Non-intercourse act, which had had no friends from the time of its passage. The Federalists, who were opposed to commercial restrictions, declared that the proposed Navigation act would be no more effective than the laws which had preceded it. People would trade where they pleased. They were not to be stopped nor were their interests to be

1810 jeopardized by mere regulations. Moreover, it was certain that England would retaliate, and retaliation would lead to war; a result, they insinuated, which was not unthought of by the sponsors for the act. Even if the consequences were not so serious, new restrictions would be placed upon an overburdened and languishing commerce. Among the Democrats were some who approved the bill because of its weakness. They favored the arming of the merchant vessels, total non-intercourse with both belligerents, or prohibitive duties upon French or British products. That the bill would result in war Macon strenuously denied. He insisted that it was folly to think of opposing both France and England; that the United States was to be kept from the general entanglement in which the countries of Europe were involved; that the act as proposed was a formal protest against violations of the rights of the United States.

Not a war measure

In the Senate the Federalists combined with Smith's faction to defeat Macon's bill, which had passed the House January 29 by a majority of twenty-one votes. Every provision was stricken out except that excluding from American waters the armed vessels of England and France, and the one repealing the Non-intercourse act. For them it was proposed to substitute the arming of merchant vessels and the use of the navy as a convoy. February 26, Henry Clay, who had succeeded Buckner Thurston as Senator from Kentucky and had taken the oath February 5, made a solemn protest against the supine policy of Congress, and

Passes the House still further qualified

declared for war. The honor and independence of the country demanded resistance, peaceful resistance if possible, resistance in arms if necessary. The resources of the West were safe pledges for the means necessary to defend the honor of the country. The conquest of Canada, the loss of raw materials, provisions, and a market for manufactures were weapons with which Great Britain might be humbled. Clay proposed to recommit the bill for amendment, and begged the Senate not to forfeit the esteem of the country by transmitting to the House a bill which was but a lifeless skeleton.

1810

Clay's protest

Clay's protest, remarkable as it was, failed to effect the result. In the House the action of the Senate was regarded with astonishment and indignation. The amendments destroyed every pretense of resistance. They admitted that for the past seven years the United States had been wrong. A year before, the House, by a majority of 119, had resolved not to submit to the edicts of France or Great Britain, and now, after additional injuries, submission was proposed. Gardenier, of New York, was much pleased with the amendments. Far from involving submission, they were the beginning of manly resistance. Nothing but folly and obstinacy could urge a perseverance in the previous system. The first thing was to abandon non-intercourse and to assure the people that nothing was to be feared from Commercial restrictions. But Senate and House persisted, each in its own course; on the last of March, no substitute had been found for the Non-intercourse act.

Falls on deaf ears

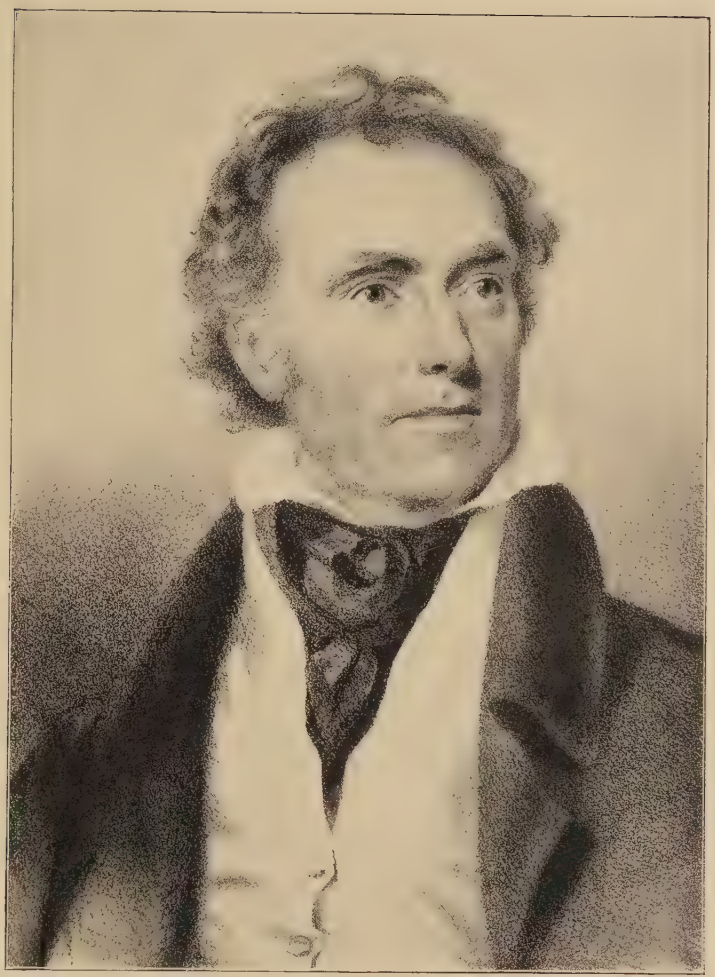
The bill lost

1810

Macon's bill No. 2

On the 7th of April, Macon reported another bill known as Macon's bill No. 2, but prepared by John Taylor of South Carolina. By it British and French ships of war were excluded from American ports, the Non-intercourse act was allowed to expire, as originally provided. In case either France or Great Britain recalled the discriminating decrees, the President was to announce that fact by proclamation and, three months thereafter, to revive non-intercourse against the nation that still persisted in violating neutral rights. This was the least amount of perceptible resistance. Trade was free to pursue any course it chose, but the result was chiefly to benefit England, the most persistent aggressor. An attempt was made to secure an advantage to the Treasury and a support to domestic manufactures by imposing a duty of fifty per cent. on the products of Great Britain and France. When the bill reached the Senate it was sent to a committee of which Samuel Smith was chairman. The proposed duties were cut out and the favorite scheme of convoy introduced. To this the House would not agree. A committee was appointed and on the last day of the session the bill was passed as originally proposed. This weak effort was the last of the measures of commercial war, which began with the Non-intercourse act of 1806, included the embargo of 1807 and the total non-intercourse of 1809. It was evident that peaceful coercion, that cherished substitute for cruder and bloodier methods, was a failure; there remained the final test of war.

The last effort at bloodless war



RICHARD M. JOHNSON.

(From the Emmet Collection, New York Public Library.)

1810

Near the end of this session of Congress John Randolph made a determined but unsuccessful effort to reduce the appropriations for the army and navy. The expenditure of a large amount of money from a wasted treasury to support an army commanded by Wilkinson, and a "mosquito fleet" of rapidly decaying gunboats, was a course not to be allowed by those who still held to the true Republican principles of 1801. By a sweeping reduction of these two ineffective branches of the public service, the estimated deficit might be reduced to half a million. The peace party was convinced that the army and navy were unnecessary; those who favored war would not vote money to establishments which Congress was afraid to use. "The state of the army," said Macon, "is enough to make any man who has the smallest love for his country wish to get rid of it. Animosity extends itself through the whole corps." "The gunboats," said Randolph, "are not worth bringing into account. Children must have toys and baubles, and we must indulge ourselves in an expense of many millions on this ridiculous plaything." In Adams' administration the cost of the navy was $472 per man; under Madison it was $887 for naval force, "the use of which no man has attempted to guess, much less to demonstrate."

The army and navy still unpopular

Increased cost of the navy

Richard M. Johnson of Kentucky was almost persuaded to vote the reduction of the army and navy because Congress was too cowardly to use them. "If the army and navy were used in coöperation with other forces for the advantage of the

1810

The new national spirit

people, the six million would be nothing, but to our humiliation and everlasting degradation we have refused to use the means in our power to induce foreign nations to do us justice. Our weakness—this is the theme of constant declamation. With union we have everything; we have citizens and they are soldiers; we have freemen and they have spirit; we have statesmen and they have patriotism; our resources are inexhaustible, and unparalleled in any age and country." Such sentiments in this Congress were no more than the voice of one crying in the wilderness, but the public feeling back of them was destined to spread, to overwhelm and to transform the country.

Internal improvements

There were many other evidences of the development of a national spirit and of national interests. In order to foster internal commerce it was proposed to construct canals from the Tennessee River to the Tombigbee; from Lake Erie to the Ohio; from the Hudson to Lakes Erie, Ontario, and Champlain, and from Boston to Narragansett Bay. The government was to subscribe half the stock necessary to build these waterways and was to become a stockholder to the same amount in companies formed to build turnpike roads along the principal mail routes. Among the most enthusiastic advocates of the proposed government support was Peter B. Porter of New York. The canal from the Hudson to the Lakes would, he said, increase the profits of the western farmer from four to six per cent.; increase the value of the public lands around the western lakes

1810

one hundred per cent., and furnish homes to the surplus population of the Eastern States. Bills were introduced in both branches of Congress, but were lost in committees, and the only appropriation made was one of $60,000 for the extension of the Cumberland road. In March the New York Legislature appointed a commission of which Gouverneur Morris, Porter, and DeWitt Clinton were members, thus inaugurating the movement which ended in the construction of the Erie canal.

Gallatin's report on manufactures

A report on manufactures, submitted by Gallatin, estimated the products of the country at about one hundred and twenty million dollars. Already the inventive genius of the American mechanic was producing machinery which supplied the home markets and left something over for export. The manufacture of cotton, woolens, and linen goods had been stimulated by the decline of European trade. Since the embargo seventy-two cotton mills had been built, woolen and linen cloth was made in smaller quantities, but so encouraging was the gain that protective duties were again urged as a necessary incentive to the investment of capital and the development of industrial resources.

The Bank of the United States

At this session of Congress the Secretary of the Treasury reported favorably upon the renewal of the charter of the Bank of the United States. Gallatin recommended a capital of thirty millions, one-half to be subscribed by the States, a branch bank in each State, with directors appointed in part by the State. The bank was to pay interest on

1810

all public deposits in excess of three millions and was to make loans to the government to the extent of three-fifths of the capital stock. The charter of the existing bank expired in 1811, and both the government and the commercial interests of the country required an immediate decision. A bill was introduced in the House embodying the chief provisions of Gallatin's report, and another in the Senate, but both were postponed until the next session. On the 2d of May, Congress adjourned, worn out by the labor of doing nothing. "The Cabinet is all to pieces," said Randolph, "and the two Houses have tumbled about their own ears."

The bill renewing the charter of the bank postponed

While the American Congress was debating upon the offenses of Francis James Jackson, and the merits of the American Navigation act, Napoleon was endeavoring to find some plausible and defensible ground upon which to base his confiscation of American ships and cargoes. January 10, 1810, he was in doubt both as to his policy and the method of its application. Ten days later his decision was formed; American ships were to be seized in Holland and Spain, in Italy and in Naples, because the Non-intercourse act had forbidden French vessels to enter ports of the United States. It was true that American vessels were forbidden to enter the ports of France; true, also, that non-intercourse was, so far as French ships were concerned, purely a municipal regulation. Moreover, the law had not been enforced until two months after its publication, while Napoleon's retaliation had been sudden and in secret.

Napoleon confiscates American shipping

1810

The Rambouillet Decree

These arguments failed to move the Emperor, who was entering upon the final stage in the history of the Continental system. To support it he destroyed the liberty of Holland, threatened Sweden, enforced his will upon Spain and Italy and in the German ports; and, at last, led that Russian campaign which was the beginning of the end. It was a part of his plan that distant America should contribute to his success. Therefore, on March 23, Napoleon issued the Rambouillet Decree, unpublished until the following May, which confiscated 134 American ships with their cargoes, enriching by nearly $10,000,000 the wasted imperial treasury.

The substitution of Macon's bill for the Navigation act was a severe blow to the Continental system, since it opened American markets to British goods. To meet this new arrangement a plan was adopted entirely worthy of Napoleon's genius and cunning. The decrees might be withdrawn nominally, but continued actually by an elaborate system of licenses and a complex customs law. May 1 the Rambouillet Decree had ceased to be enforced. After July no ship was to leave a French port without a license; trade between specified ports and in particular products was permitted. In this way it was thought possible to limit English commerce and secure outlets for French wares and products. Moreover, the Navigation act was virtually a proposition for an alliance with that power which first recognized the rights of American trade, and Napoleon was earliest in the field to secure the desired advantage.

The license system put in operation in July

1810

Meanwhile the American minister at Paris had exhausted his store of objections and protests, and had lapsed into moody silence. A newspaper containing the act regulating commerce with England and France was transmitted by Armstrong to Champagny, the Emperor's Minister of Foreign Affairs, who had recently been made the Duke of Cadore. Napoleon himself prepared the reply and on the 5th of August Cadore sent to Armstrong the letter which was the turning-point in the long struggle, since it determined that the United States should go to war with England rather than with France.

Napoleon's reply to Armstrong

In the first place, Napoleon considered himself a badly used man. The American minister had failed to show that responsive appreciation to which he believed himself entitled. Again, he had not been informed promptly and officially of the successive enactments of the American government. He was, however, willing to overlook their slights. He had applauded the embargo though it had affected France unfavorably, but he had been obliged to retaliate when the non-intercourse policy was adopted, and the sequestration of American vessels had followed. Fortunately, this unjust discrimination had recently been abandoned by the United States, and in return France consented to withdraw the Berlin and the Milan Decrees. After the first of November they were to cease to be effective, provided Great Britain recalled the Orders in Council and renounced the newly adopted principles of blockade. In case England refused

The Emperor feels magnanimous

it was understood that the United States would carry out the final provisions of the act and enforce non-intercourse. Finally Napoleon expressed his love for the Americans, his desire to see them prosper, his belief that whatever would tend to enhance the welfare and add to the liberty of the United States would be also beneficial to imperial interests.

1810

Napoleon loves Americans

Despite these benevolent sentiments, Napoleon, on that same August 5, condemned, by a secret decree, the sequestered vessels, though he liberated their imprisoned crews and directed that until November 1 American vessels should be allowed to enter French ports. However, their cargoes were not to be landed and, presumably, the ships were not to depart without a license. These conditions, in the opinion of their author, did not commit France definitely to a revocation of the decrees. That Great Britain would revise her policy was most improbable, while Napoleon himself would determine whether the United States caused its rights to be respected. It is likely that Armstrong divined the Emperor's intentions, veiled as they were by his pacific statements; but, if so, he made no further protest and late in September concluded his long and eventful mission to France.

Armstrong leaves France

Upon the English government the Macon act had no perceptible effect. The dissolution of the Portland ministry and the accession of Spencer Perceval to power were followed by the refusal of Canning to enter the ministry and the appointment of Lord Wellesley to the Foreign Office. The sarcastic comments of Canning gave place to a more

1810

kindly demeanor and an apparent good will which seemed to promise a speedy settlement of differences, but which were powerless to counteract or affect the interests which, at that time, dominated British politics. Early in January, 1810, Pinkney embodied, in a formal note, the substance of previous conversations explaining the reasons for the dismissal of Jackson. In the meantime, that minister and his New England friends were opposing the appointment of another British envoy to the United States. In their opinion an appearance of offended dignity and wounded pride would go far to strengthen British interests and to bring the opposition to a proper sense of the magnitude of the insult to Jackson. It was March before Pinkney received an answer to his note. In May, he wrote that Wellesley was inclined to procrastinate "beyond all example." Matters were settled verbally over and over; written agreements were promised, but never sent.

The Perceval ministry more civil in tone

From January until May, Pinkney endeavored to secure from Lord Wellesley an admission that the blockade from the Elbe to Brest no longer existed, since Napoleon had offered, upon that condition, to rescind the Berlin Decree. No satisfactory answer was ever given; the reply, that this blockade had been continued by later orders, served only to render more obscure a subject almost hopelessly involved. Wellesley was not entirely responsible for the situation. He had quarreled with his colleagues, had become convinced that his influence and opportunities for usefulness were at

But unyielding in fact

an end, and waited anxiously for the time when he might lay aside his ministerial duties; or at times looked forward to the expected regency to usher in the more liberal men and principles of the Whigs. Wellesley professed a desire to remove all restrictions to American commerce, but was overborne by the opinions of his associates, and it was this personal view which gave a favorable tone to his conversations with Pinkney. 1810

Cadore's letter of August 5 was the turning-point in the relations between England and the United States. At the time it was issued public sentiment in America was friendly to Great Britain and hostile to France. Had the Perceval ministry been gifted with ordinary foresight, had it been a little less sure of its hold upon the United States, the two governments might have been united to sweep from the ocean the last vestiges of Napoleon's control. Armstrong had notified Pinkney at once of the promise to recall the Berlin and Milan Decrees. Pinkney transmitted his information to Lord Wellesley, who replied that his Majesty would feel the highest satisfaction in relinquishing a system which the Emperor's policy had forced him to adopt, whenever positive assurance was given that the decrees had been recalled and neutral commerce had been restored to its former condition. On the 3d of November Pinkney informed Wellesley that Napoleon's promise had been fulfilled and asked for the recall of the Orders in Council. A month later Wellesley replied that the most careful investigation had failed to disclose any

The Perceval ministry blind to the American situation

Pinkney asks the recall of the Orders

1810

trustworthy evidence that the Emperor had abandoned the principle announced in his decrees, but he professed an entire willingness to act as soon as the necessary proof was given. Thus note and answer passed back and forth, Pinkney demanding the abandonment of the blockade of May, 1806, and the revocation of the Orders in Council; the British government expressing a willingness to comply, saving the maritime rights of England, when satisfied of Napoleon's good faith.

The Cabinet demands proof

Meanwhile on the 2d of November the President had issued a proclamation announcing the revocation of the Berlin and Milan Decrees and the consequent removal of all restrictions upon trade with France. The proclamation was also a warning to the British government that, at the end of three months, non-intercourse would be revived, but the Cabinet was still unmoved. In January, Pinkney asked for his passports. The British government was at once aroused. No immediate reply could be made because of the King's insanity, but at the first opportunity Pinkney was told that Augustus J. Foster would be sent to the United States and it was hinted that the American minister should reconsider his intention to return home.

Trade with France renewed

Before deciding the question Pinkney asked for information respecting Foster's powers. If the Orders in Council were to be recalled, if the blockade of 1806 was to be abandoned, if the affair of the *Chesapeake* was to be settled on terms satisfactory to the United States, if assurances were given that the rights of neutrals would be respected, there

might be some reason for remaining, but Wellesley's reply was that the government of Great Britain could not agree to relinquish one of its principles. Thereupon Pinkney took formal leave of the Prince Regent, February 28, closing an able and not unsuccessful mission of five years' duration. Thus the United States was preyed upon by both parties, had closed diplomatic relations with each, and except for the deceptive promises of Napoleon, had apparently but little to determine a choice of enemies. Yet there was, after all, a great difference in our relations to the two countries. Napoleon was almost powerless upon the sea, while Great Britain controlled the avenues of trade. Moreover, England not only demanded that the Emperor revoke his decrees, but required that some guaranty of future good behavior should be given; and, finally, there were the British frigates off Sandy Hook stopping and searching American merchantmen; there were American sailors impressed in utter contempt of the flag which should have protected them.

1811

Pinkney leaves England

The attempt to seat Joseph Bonaparte on the Spanish throne was followed by revolutions in many of the Spanish-American countries. Even Cuba, the ever-faithful isle, was not inclined to accept the new rule without question. Great Britain was active in encouraging these outbreaks, reaping a harvest of trade privileges and concessions. Buenos Ayres led the way; in April, 1810, Caraccas revolted; Miranda headed the revolution in Venezuela and New Grenada; there

South America in revolt

1810

West Florida restless

was civil war in Mexico, and on the Spanish-American border the free and independent State of West Florida was constituted. The district of New Feliciana in West Florida had been settled by Spaniards, Englishmen, Americans; by the lawless and motley elements that find freedom and safety on the borders. Four districts of West Florida, acting upon the invitation of New Feliciana, sent sixteen delegates to a convention which was held July 25, 1810, and at which a committee was appointed to suggest a form of government.

Three courses were open: continued allegiance to Spain, an independent government, or annexation to the United States. The latter plan was most popular, but, for a time, minor reforms under a continuation of Spanish rule were believed to be sufficient. It was not long, however, until there was a revolt from this decision; a declaration of independence and a frame of government were drawn up, and the lone star flag was chosen as the emblem of the new State. Baton Rouge was taken and the hands of the captors were stained with the blood of its helpless commander. The president of the new republic, John Rhea, was authorized to propose annexation to the United States upon the conditions that public lands were to be the property of the state, that a loan of $100,000 was to be made from the Treasury of the United States, and that the unity of the districts should be recognized by making of them a separate territorial government. Madison's reply was an order to seize the territory.

Finally revolts and asks annexation to the United States

1810

Ever since the purchase of Louisiana, Madison had believed that the United States had a right to West Florida, and only the threats of Napoleon had prevented actual possession. Now the President determined to disregard any effect that the seizure might have on England, France, or Spain, and, October 27, authorized Governor Claiborne of Orleans Territory to occupy West Florida to the Perdido, reserving the final determination of ownership for amicable adjustment between the two nations. Two parishes were to be created, the militia organized and the machinery of the courts set in motion.

Madison orders West Florida seized

Meanwhile the new government had been inaugurated, and for a time it seemed that the authority of the United States would be defied, but after insignificant hostile demonstrations the territory yielded to superior force. Beyond the Perdido there was little recognizable rule of any sort. The Spanish governor, Don Vicente Folch, fearing that he could not preserve order or defend the territory against invasion, offered to submit to the United States if reinforcements were not received before January 1, 1811. When the proposition reached Madison he asked Congress for authority to accept the cession from the Spanish government in case the lands seemed likely to be seized by a foreign power. On January 15, 1811, the desired permission was granted. Two commissioners, General George Matthews and John McKee, were appointed to carry out the provisions of the act, with results that will be seen hereafter.

And asks Congress for authority to accept the cession

1810-11

Two other subjects of great importance occupied the attention of the eleventh Congress during the last session. They were the admission of Louisiana and the question of a new charter for the national bank. The admission of the territory of Orleans had been proposed in the preceding session. When a bill proposing such action was introduced the Federalists asked two questions: Had Congress the Constitutional right to act; and, if so, was such action expedient? It was contended that the Constitution, by its enacting clause, was made for the United States of 1789, and excluded all other territory whatever. If limits could be extended at all, who could say what the boundaries might eventually become? South America or the islands of the Pacific might be admitted, overwhelming and blotting out the control of the original thirteen States. "The friends of the bill," said Quincy, "seem to consider it as an ordinary affair, but it affects the liberties and the rights of the whole people of the United States. It would justify a revolution. If this bill passes, the bonds of this Union are virtually dissolved: the States which compose it are free from their moral obligations, and, as it will be the right of all, so it will be the duty of some to prepare definitely for a separation, —amicably if they can, violently if they must." Here Quincy was ruled out of order, but appealed from the decision of the Chair. His appeal was sustained by a majority of three and he continued his speech, denying the right of the three branches of government to weaken the influence respectively

The admission of Louisiana

Constitutional aspects of the case

WILLIAM C. C. CLAIBORNE.

reserved to each State under the Constitutional compact by admitting new States at will, from territories beyond the original limits of the United States. 1811

The friends of the bill held that the right to possess territory included also the right of establishing its government. Land might be acquired by conquest or by treaty, and therefore, if by the latter mode, in accordance with the supreme law of the land. The people of Orleans Territory deserved to become American citizens; they were willing to lay aside their language and their customs for that privilege. The territory possessed the required number of inhabitants, and to them had been promised long before, the rights of American citizenship. The act passed by a vote of more than two to one; of the thirty-six votes against it, twenty were from New England. The boundaries of the new State were the Sabine River on the west; on the north the 33d parallel to the Mississippi, thence down that river to the Iberville, and by the Iberville, Lake Maurepas, and Lake Pontchartrain to the Gulf. The State constitution must conform to the national model; the new State was to renounce all its claims to waste lands, must agree not to tax government lands for five years, and in return the general government agreed that five per cent. of the proceeds of the sale of public lands should be given for roads and levees.

Louisiana admitted to the Union

Conditions of admission

When the Louisiana bill was under discussion Gallatin and his friends were attempting to secure a new lease of life for the charter of the Bank of

1810-11

the United States. As early as March of 1809 the Secretary of the Treasury had shown the value of the Bank to the government as a means for safe collection, deposit, and transmission of the public revenues. He recommended that the new charter should bind the Bank to pay interest on government deposits, and to lend three-fifths of its capital to the government. In return its capital might be increased to thirty millions. December 18, the president and directors petitioned Congress for a renewal of the charter; Gallatin supported the request, reinforcing his previous arguments by showing the dangers which would ensue by discontinuing the Bank. Its notes amounting to five millions would be withdrawn from circulation, loans aggregating fourteen millions would have to be called in, and about seven millions would go to England to redeem the stock held there.

The Bank of the United States petitions for a renewal of its charter

Among the enemies of the Bank were those old Republicans who still cherished the doctrines of 1800. To them the Bank was a creation of the Federalists transformable into an agent of centralization, a forerunner of absolutism. While they had no fear of extreme consequences, the old antagonism was sufficient to lend weight to every other objection. The number of the State banks had increased from three in 1791 to more than a hundred in 1810; others were forming and preparing to divide among themselves the loans and deposits of the national bank. The States of Virginia, Pennsylvania, and Massachusetts instructed their representatives in Congress to vote

Republican hostility to the Bank

WILLIAM H. CRAWFORD.

against the charter; private petitions to the same effect were received and finally there was the faction of the opposition in the Senate and the House. In the latter body, where Gallatin's support was strongest, the settlement of the question was postponed indefinitely by a vote of 65 to 64. The House deferred to the Senate and here the bill was almost certain of defeat. The debate is especially notable because of two young men who took part in it, William H. Crawford and Henry Clay. Crawford argued powerfully in favor of the Bank and began by questioning the theory of constitutional interpretation. The perfection of the Constitution had been assumed too long. The assertion that Congress could exercise no power by implication was an impossible one. Congress by implication had purchased sites for forts and shipyards, had established light-houses, had established a government for the District of Columbia, had organized a Supreme Court. So Congress might by implication charter the Bank since it would furnish an easy, safe, and speedy agent for the collection and transmission of the public revenues. As an aid to government it was not only expedient, but necessary.

1811

Crawford argues in favor of the Bank

Clay argued that the power to create corporations, not being specified among the powers granted, could not be transferred from the States to the United States by mere implication. He asserted that the States have "exclusive power to define the responsibilities of debtors and creditors, to regulate contracts and to declare who shall and

Clay denies the right of Congress in the case

1811

who shall not make them." Clay ridiculed the idea that the Bank was of practical use or convenience to the government. Its assistance extended only to the payment of duties, wherein it played the part of payer and receiver. The revenues from public lands, usually sold upon the credit system, were not deposited in the national bank, but in the banks of the Western States. During the debates an assertion was made that the holdings of stock by Englishmen were a decided advantage. To this, Clay replied: "Go to the other side of the Atlantic, and see what has been achieved for us there by Englishmen. Did it prevent the unmanly assault upon the *Chesapeake*? Did it arrest the promulgation or has it abrogated the Orders in Council? In spite of all its boasted efforts, are not the two nations brought to the very brink of war? Are we quite sure that, on this side the water, it has had no effect favorable to British interests? It has often been said that this bank exercised its influence in support of Jay's treaty, and may it not have contributed to blunt the public sentiment or paralyze the efforts of this nation against British aggression?"

Declares the Bank no help to the government

Many members of the Senate spoke for or against the charter, among them Clay's colleague Pope, who declared, in the severest terms, against the papers which had been most outspoken in their criticisms of Gallatin and the Bank. On the 20th of February, when the vote was taken, the Senate was equally divided, and the question was decided in the negative by the Vice-President, George

The bill defeated

Clinton. "Can Congress," he asked, "create a body politic and corporate, not constituting a part of the government nor otherwise responsible to it but by forfeiture of charter, and bestow on its members privileges, immunities, and exemptions not recognized by the laws of the States, nor enjoyed by citizens generally? The power to create corporations is not expressly granted; it is in its nature not derivative by implication, but primary and independent. In the course of a long life I have found that government is not to be strengthened by an assumption of doubtful powers, but by a wise and energetic use of those which are incontestable." Seven of the ten New England Senators voted for the bill. The Federalists were solidly in favor, and among the seventeen opposed were Samuel Smith, Michael Leib, and William Giles, the leaders of the faction opposed to the President.

1811

Clinton thinks the bill unconstitutional

Notwithstanding the importance of the acts which engrossed the attention of Congress, the chief anxiety was still concerning foreign affairs; the probable attitude of England, and the actual determination of the Emperor regarding the repeal of the Berlin and Milan Decrees. The 2d of February was near at hand, and on that day, according to Madison's proclamation of November 2 preceding, non-intercourse with Great Britain was to be revived. As yet the effect of the proclamation was far more marked in America than in England. The Emperor had yielded just enough to secure the advantage and refused to go further until he knew whether the United States would

England little impressed with American threats

1811

join him in his war upon Great Britain. England made no sign except to assure the United States that the Orders would be recalled when positive proof was given of the good faith of Napoleon.

In America all was uncertainty. The eleventh Congress, following its usual custom of postponing decisions, delayed until the last moment. It was not until January 15 that a bill reviving non-intercourse with Great Britain was reported to the House from the Committee on Foreign Relations. Before acting finally, Congress and the President expected and awaited some information more definite than the Duke of Cadore's letter of August 5. Disappointed in this, Madison rested his assumptions upon that letter, but the word was brought that in December two American vessels entering French ports had been sequestered to await the action of the American government in the succeeding February. Under these circumstances it was difficult to find a satisfactory ground for the enforcement of non-intercourse against Great Britain, and for belief in the sincerity of Napoleon.

Congress finds it difficult to justify Napoleon

When the 2d of February came, Eppes, from whose committee the bill had been reported, moved a reconsideration upon information concerning these two nations. Randolph proposed to repeal the law of May 1 which had excluded armed foreign vessels from American ports and had extended the conditional offers and threats to Great Britain and France. It was during this debate that the majority, driven into a corner, found a

means of escape by a theory of an agreement or contract with Napoleon. His Imperial Majesty had announced the repeal of the Berlin and Milan Decrees. There was no proof that this was so; there was a strong presumption that it was not, yet how was the word of an emperor to be doubted? 1811

A week later the approach of a new minister from France was announced, and hope of a definite statement concerning Napoleon's actions was revived. Serurier was presented to Madison February 15; the following day he was questioned by Secretary Smith, but upon the main point he had no information to impart. Two days later the President submitted to Congress two letters of instruction issued by the French government, the one suspending judgment upon American vessels under the Berlin and Milan Decrees, the other ordering that thereafter the decrees were not to be enforced against American shipping. Almost at the same time official statements showed that these orders were intended to do no more than hold the Emperor's policy in abeyance until that of the United States should be determined. That the decrees had not been revoked was plain to any thinking man.

The new minister from France unable to illuminate the situation

February 21 the renewal of non-intercourse with England was again proposed. The final contest came five days later when the bill was debated in the House. The minority used every expedient to delay action; the House sat eighteen hours without adjourning. The following day a violent quarrel between Eppes and Randolph all but

1811

ended in a duel. At the beginning of a long speech by one of the minority, the previous question was put and carried; the Speaker decided that the debate upon the main question might continue; on appeal this decision was reversed, and at four o'clock on the morning of February 28 the bill passed the House by a majority of fifty-two. March 2, it passed the Senate and was signed at once by the President. In the House Macon's was the only Republican vote cast against the measure, though Matthew Lyon, who opposed it, refused to vote. The bill revived nine sections of the Non-intercourse act. American goods were not forbidden to go to English markets, but all importation from England was to be stopped. American ships and cargoes leaving England before February 2 were to be exempt from seizure. At midnight on Sunday the 3d of March the eleventh Congress brought its inglorious career to a close.

Non-intercourse with England revived

During the succeeding summer it became apparent that factions and party quarrels were rapidly sapping the strength of Madison's administration. He had assumed Robert Smith's burdens, he had deserted Gallatin in his fight for the Bank, he had been thrust more and more into the position of a *de jure* President. Gallatin despaired of holding his own against the "Invisibles" and offered to resign. Madison was forced to act; he declined to accept Gallatin's resignation and through mutual friends opened correspondence with Monroe, who had now risen on the political tide to the office of governor of Virginia. When it

Madison compelled to break with the Smiths

became known that Monroe would accept the office of Secretary of State, Robert Smith was tendered the position of minister to Russia, presumably vacant by the appointment of John Quincy Adams to the Supreme Bench. It required some days and various consultations with friends to convince Smith that the offer was in fact an indirect removal from office. The appointment was rejected; Smith resigned in anger, and made a surprisingly weak and futile appeal to the people against the fancied injustice of the President, after which he sank forever below the political horizon.

1811

Robert Smith removed

Monroe began his duties on the 1st of April with the intent to administer the office with vigor and energy. May 31, the British Admiralty Court condemned more than a million dollars' worth of American shipping and in doing so decided that no evidence existed for the belief that the French decrees had been repealed. Early in the same month the vessels detained in French ports since November were released. In May the new minister from Great Britain, Augustus J. Foster, arrived, bringing tardy atonement for the attack on the *Chesapeake*. Provision was made for the families of the victims, and the two surviving captives were restored to the deck of their vessel then lying in Boston Harbor.

The new minister from Great Britain arrives

This reparation, though long delayed, was the most satisfactory part of Foster's mission. He was instructed to insist that the English Orders were issued in retaliation for the French decrees; that these decrees had not been revoked in good

1811

faith; that the English Orders would be recalled only when English commerce was free to enter Continental ports then closed by France; and, finally, he was to threaten commercial retaliation in case the United States persisted in the policy of non-intercourse. Before Foster landed, however, an incident occurred which complicated the situation and must have convinced the new minister of the futility of peace proposals except when accompanied by an entire change of policy.

Foster's instructions

As soon as trade was resumed with France, British war vessels began to hover off the coast and the old outrages of confiscation, impressment and search were renewed. Early in May the Secretary of the Navy ordered Commodore John Rodgers, in command of the *President,* to protect American vessels from attack, and to "vindicate the injured honor of our navy and revive the drooping spirits of the nation." Captain Dacres of the British frigate *Guerrière* lay off Sandy Hook and on board the vessel was a native of Maine lately impressed from an American brig. On the morning of May 16, Rodgers was off Cape Charles, when he sighted a ship which he took to be the man-of-war. The ships approached each other until two o'clock, when the strange vessel made off to the south with Rodgers in full pursuit. About half-past seven the American frigate was within pistol shot of the vessel, which was now flying the English colors and which proved to be the *Little Belt,* a British corvette. Rodgers hailed, asking the name of the vessel, and was answered by the

The "President" and "Little Belt"

flash of a cannon which lodged a ball in the *President's* mainmast. Lieutenant A. J. Dallas, who was below in command of a division, fired at once and without orders from his commander. The fight became general and at the end of fifteen minutes the *Little Belt* was helpless. The *President* cruised about all night, for her antagonist had suffered severely, having thirty-two men killed or wounded. 1811

Captain Bingham's story differed essentially from that of Commodore Rodgers. According to his testimony the *Little Belt* had displayed her colors at half-past six; Captain Bingham had hailed first and had been answered by a broadside. Bingham was supported by the testimony of his officers. The United States instituted a searching investigation, for Rodgers' conduct was the subject of violent criticism by the Federal press. The officers and crew of the *President* swore to the truth of the account given by Rodgers; various inaccuracies appeared in Bingham's statements, and while the dispute was never settled, the burden of the proof was found to be in favor of the statements made by the commander of the *President*. The two versions of the story

The country was still excited over the news of this encounter when Foster, the new British minister, reached the United States. Soon afterward he demanded the disavowal of the act of Commodore Rodgers and an inquiry into his conduct. Monroe replied that no orders had been given to Rodgers, but intimated that reasons were not wanting for them. Meanwhile Monroe and Foster Foster demands a disavowal

1811

had entered into a lengthy correspondence in which the new envoy protested loudly against the seizure of Florida, only to be answered that the United States had shown uncommon forbearance in withholding assistance from the revolting South American States. It was evident that a practised hand and a temper even bolder than that of the President were directing the Department of State. To all of Foster's notes, protests, and objections Monroe answered by questions concerning the repeal of the Orders in Council. The British minister understood, and informed his government that every possible pretext was to be used to keep alive and increase the feeling against England until the object of the United States had been attained. Monroe's position was rendered especially difficult by the fact that he was compelled to assume, as the basis of his negotiations, the false premises that the Berlin and Milan Decrees had been revoked. While he was assuring the British minister that Napoleon had ceased to enforce his measures, Serurier was being pressed for facts to support Monroe's statements.

Monroe retorts with point

And asks support from Serurier

England had enunciated and had directed Foster to emphasize the principle that the exclusion of neutral commerce from French ports by means of municipal regulations would not be tolerated by the British government. If Monroe could make it appear that England was forbidding American vessels to trade with France until British trade was admitted to French ports, he could win the support of the whole nation to the President's

1811

France lends no aid to American diplomacy

policy. Foster saw the point and was too wary to commit himself or his government. On the other hand, the conduct of France was of a character to contradict every statement made by Monroe, and to support every assertion made by Foster. In March, 1811, Napoleon declared: "The decrees of Berlin and Milan are the fundamental laws of my empire. They cease to have effect only for nations that defend their sovereignty and maintain the religion of the flag." Soon afterward he said: "No power in Europe shall trade with England." Finally, on the 29th of April the Emperor concluded that it would be best "to gain time by leaving the principles of the matter a little obscure until we see the United States take sides."

Napoleon finds Russia an obstacle to the Continental system

No wiser determination could have been made by Napoleon, for there was gathering on the Baltic a storm due to his disturbing commercial system which was eventually to sweep away his empire. An attempt to compel Russia to enforce his orders against American shipping caused a revolt and a marshaling of all the strength of the Muscovite for the onset that must ensue. In vain the Emperor insisted that there were no neutral vessels, that American ships were but disguised English merchantmen, that the American minister John Quincy Adams knew this to be a fact; to all of these contentions the Czar refused to listen and continued to admit freely the shipping of the United States. Sweden joined with Russia to protect neutral commerce, thus courting the fate which awaited every one bold enough to disobey the imperial orders.

1811

The summer of 1811 furnishes the peculiar incident of Madison's statement that the Emperor had revoked those decrees which he was about to enforce by the most costly and destructive of his wars.

The results felt on the Indian border in America

Far-reaching as were the effects of the imperial system, no one expected to discover them in the wilds of North America. Yet precisely this result was shown in 1811, when the Indian trade decreased because the markets of Europe were closed to Great Britain, when ill-feeling existed along the borders and both sides began to muster their savage allies. The native tribes were uneasy and restive because of the disturbed relations between the two nations with which they came most closely in contact. They were alarmed by the rapid advance of the settlers and the destruction of their hunting-grounds. The white man might be prevented from settling on the land belonging to the Indian, but it was impossible to stay the hunting parties that spread over the country. Gradually the game disappeared, the fringe of settlements came closer and the Indians withdrew to the West or sold their lands and became the pensioners of the government.

Tecumthe and the Prophet

About 1780 in a Shawnee cabin three boys were born at one birth to a Creek or Cherokee mother and a Shawnee father. History records nothing of note of the parents, but two of the sons, Tenskwatawa, the Open Door, and Tecumthe, the Crouching Panther, won an honorable fame in the annals of their race. Tenskwatawa, better known as the Prophet, was a famous medicine man, one of the

TECUMTHE.

TENSKWATAWA.

GREENVILLE TREATY.

MEDAL, OBVERSE AND REVERSE.

"charlatans and jugglers" whose hostility to the whites dated from the days when they were so detested by the Jesuit fathers of New France. His fame spread throughout the Mississippi valley; his mission was to instruct the red men to give up all the vices borrowed from their white neighbors, to return to their former religious practices, to escape from bondage to the land agent and the Indian trader. Neither the Prophet nor his brother had any claims to a prominent place within the tribe. The chiefs feared them, envied their power and sought to compass their destruction. The brothers in return charged a betrayal of the rights of the Indians, and in some cases had their most formidable enemies executed for practicing witchcraft.

1806 et seq.

Increase of the new leaders influence

As the fame of the Prophet spread, disciples gathered about him, and in 1806 a village was formed on the site of Greenville, Ohio, within the territory ceded to the United States. In the summer of 1808 the Prophet and his followers removed to the mouth of the Tippecanoe Creek on the upper Wabash. Notwithstanding the opposition of the Miamis and Delawares, who owned the land, the village grew rapidly, religious fasts and exhortations aroused the enthusiasm of the newcomers, and a systematic crusade was begun against the encroachments of the whites. With the revival of the old religion and the old customs, the Indians resumed their former weapons, the bow and arrow and the war club; they ceased to drink whisky, they began to cultivate the soil and professed to be about to form a settled agricultural community.

The Prophet founds a village

1809

Grievances of the Indians

The red man was not without grievances. There were, in each of the tribes, groups of men including some of the chiefs who were entirely under the influence of the whites. These petty chieftains were parties to the agreements by which the tribal lands were ceded to the United States contrary to the principle of the Treaty of Greenville, in 1795, which had recognized the united tribes of the Northwest as the sole owners. Treaties of 1805 and 1807 had violated this principle; there was widespread discontent among the tribes in consequence, while the governor of Canada, whenever war seemed probable, sent emissaries to arouse and increase the anger of the Indians. From the town on the Tippecanoe messengers were sent to all the tribes of the Northwest, proposing an Indian confederacy to save the remnants of their lands.

Harrison decides to break up the coalition

William Henry Harrison, the governor of Indiana Territory, understood the danger, but, instead of attempting to divert it, he decided to meet the issue and by an Indian war, if necessary, to obtain the lands and break up the dangerous coalition of the tribes. Moreover, Harrison was personally unpopular in the Territory. The slavery contest was still fresh in the memories of the people. He had supported the system with what seemed to be unnecessary persistency. The settlers coveted the land even at the price of war, and in 1809 the governor asked for authority to make a treaty by which the Indian line might be withdrawn from the White River to the Wabash. Permission was given by the Secretary of War, but Harrison was

1809-10

warned to secure the consent of the headmen of all the nations that had or pretended to have an interest in the lands in question. In accordance with this permission, Governor Harrison met the chiefs of the Delawares, Pottawatomies, Miamis, Weas, Kickapoos, and Eel River Indians at Fort Wayne, September 30, and concluded with them a treaty by which 3,000,000 acres on the Whitewater, the Wabash, and the White Rivers were sold for annuities and presents amounting to $10,700.

Indian treaty of Fort Wayne

The treaty immediately increased the following of Tecumthe and the Prophet. Other nations heretofore neutral hastened to join the confederacy. The Wyandots, by far the strongest tribe of the surrounding regions, united with Tecumthe; the recent treaties were denounced, and the chiefs who signed them were threatened with death. During the winter of 1809-10 there was comparative peace, but when spring came rumors reached Governor Harrison that the British at Malden were supporting Tecumthe in his projects, while at various points in the West signs of discontent and preparations for war were too evident to be ignored. In consequence of those reports, Tecumthe was summoned to meet the governor, August 12, at Vincennes. Here in a field just outside the village were the governor and the judges of the Territory, officers of the army, some friendly chiefs and the whole male population of the town. Near by was a guard of soldiers from the fort. Tecumthe had been asked to bring no more than thirty warriors,

The treaty increases Tecumthe's following

but nearly four hundred accompanied him, brilliant in their paint and war dress, but unarmed save with the tomahawk and the hunting-knives.

Tecumthe began the conference by announcing his wish to remain at peace with the United States. Except for the land cessions he had no complaint, but the confederacy for which he was the representative demanded that the recent purchase be annulled. "You endeavor," he said, referring to the governor, "to force the red people to do some injury; it is you who are pushing them on to do mischief. You wish to prevent the Indians from uniting and considering their lands the common property of the whole. You take tribes separately and advise them not to agree to this. Since my residence at Tippecanoe we have tried to level distinctions, to destroy village chiefs by whom all mischief is done. It is they who sell our lands to the Americans. Our object is to have all affairs transacted by the warriors. This land that was sold, and the goods that were given for it, was done by a few."

Tecumthe remonstrates against the land cession

The governor in reply made light of Tecumthe's pretensions to general ownership of the lands. The chief interrupted, angrily declaring the governor's statements false, his warriors leaped to their feet and grasped their weapons, the people seized clubs and stones, the guard came running to the spot and a general mêlée seemed imminent. When Harrison was informed of Tecumthe's language he refused to continue the conference, and all during the night the people guarded against attack. On

Harrison makes light of the protest

the following day Tecumthe expressed regret for his hasty words, denied again an intention to resort to arms, but insisted upon a return of the hunting-grounds given up by the treaty of 1809. Upon these conditions he would make a lasting peace with the United States, but if they were not granted, an alliance with the English and a war must decide the question. 1810

During the early part of the following winter the Indians remained quiet, but in February there were stories of English intervention; the emissaries of the Prophet were busy throughout the Northwest; the customary minor depredations occurred, when Harrison sent word to Tecumthe that these outrages must cease. Then followed a personal visit from the chief, who was on his way to visit the Southern tribes. The interview was without result; the government proposed to seize Tecumthe and the Prophet as hostages; Boyd's regiment of infantry was ordered from Pittsburg, and Harrison determined to be first in the field. He sent forward Boyd's regiment and some mounted militia under the command of Joseph H. Daviess of Kentucky to the present site of Terre Haute, Indiana, where a stockaded fort, named Fort Harrison, was built. Messengers were sent to the Prophet's town, but they were dismissed with insult. October 12, a sentinel at Fort Harrison was fired on and wounded by an unseen enemy. This was construed as an act of war; the troops moved forward until they reached a point about ten miles from the Indian village. The next day, November

Harrison prepares for war

Fort Harrison built

1811 6, the march was resumed, small parties of the Indians were seen, the troops advanced to within three miles of the village, when three chiefs met them and demanded the reason for the hostile advance, repeating the statement that the natives wished peace, and asking for a parley the next day.

That night the commander encamped upon a triangular spur which rises fifty feet above the valley. Shortly before four o'clock the next morning, November 8, an alarm was given by a sentinel who was fired upon; a heavy volley followed and the Indians made a desperate rush upon the camp. The attack soon became general; advances were made with some resemblance to military order, but the square formed by the troops remained unbroken; at daybreak the Indians were charged by mounted men and retreated in good order, taking their wounded with them, but leaving forty of their number dead upon the field. The killed and wounded on the other side numbered 188, and of these thirty-four were officers. The day was spent in fortifying the camps against an expected attack, but the next morning the cavalrymen who had been sent out as scouts, reported the Prophet's town deserted by all its inhabitants. After burning the town and destroying some of his baggage to accommodate the wounded, Harrison retired to Vincennes, hoping that the power of the Indians was broken. In this he was disappointed; Tecumthe returned from his journey to the South in December, and in April war began all along the frontier.

The battle of Tippecanoe

Tecumthe's power unbroken

BATTLEFIELD OF TIPPECANOE.

1811

Three days after the battle of Tippecanoe the twelfth Congress assembled in obedience to the President's proclamation. The Federalists were again in a hopeless minority, numbering but six in the Senate and thirty-six in the House. Among the new members were young men elected by the rapidly increasing war party. John C. Calhoun and William Lowndes of South Carolina, and Felix Grundy of Tennessee, were sent to assist Porter of New York, Wright of Maryland, and Troup of Georgia, in their efforts to vindicate American dignity and American rights. Among them, too, was the famous Tennessee warrior, John Sevier, who spoke little, but voted with a grim determination. The men who were destined to lead in the twelfth Congress, and to fix the policy of the country for forty years thereafter, were young men. Not one of them was affected by the ideas of Revolutionary days; not one of them cared for the principles of sectionalism and State sovereignty; for monarchy and democracy which had been the battle-cries of their fathers and grandfathers. They represented the new United States, the United States that marched to the hopes of the future rather than the experiences of the past. The first and most significant act of this Congress was to elect Henry Clay as Speaker by a vote of 75 in 116.

Composition of the twelfth Congress

Henry Clay elected Speaker

In Henry Clay the Republicans found the leader for whom they had so long sought in vain. Born in 1777, the son of a Baptist clergyman who died in 1781, Henry Clay owed his success in life first

1811

Clay's early life

to the wisdom, encouragement, and sympathy of his mother. The boy was, for a time, a clerk in a store at Richmond. For four years he was employed in the Court of Chancery under the venerable George Wythe; after a clerkship of a year in the office of the Attorney General, he was admitted to the bar and went to Kentucky, where he met with immediate recognition; was elected to the Constitutional Convention of 1799; to the State Legislature, and finally, in 1806 and 1809, to fill unexpired terms in the Senate of the United States.

The President's message betrays perplexity

The President's message did not conceal the probability of war nor the dilemma caused by the refusal of Napoleon to rescind the decrees, the withdrawal of which had been proclaimed by Madison to all the world. It was evident that the President still hoped for peace, but expected war, and properly left the responsibility for the decision to Congress. November 12, the House entrusted to the Speaker the appointment of a special Committee on Foreign Relations. Peter B. Porter was chairman, and Calhoun, Grundy, and John Randolph its most notable members. The report assumed the repeal of the French Decrees on the authority of the President's statement, rehearsed the wrongs inflicted by Great Britain, among which impressment was prominent, declared against any future forbearance, and closed with resolutions for the increase of the army, the enrollment of 50,000 volunteers, the equipment of the naval vessels not in commission, and the arming of merchant ships.

1811

In Committee of the Whole these resolutions were the subject of a stirring debate. Porter defended them, stating that there was no hope of an agreement with England, whose conduct seemed to be regulated by the measure of American forbearance. Some members thought that foreign carrying trade was not worth fighting for, but all agreed that American vessels must be free to carry American products to foreign ports. True, the United States could not meet Great Britain on the sea, but armed privateers would prey upon her commerce and annoy her fishing vessels; the northern provinces of Great Britain, weary of her rule, would take the side of the United States.

Reasons for resistance to England

Grundy added to the list of grievances the alleged assistance given to Tecumthe; he admitted that serious results might follow a declaration of non-importation, and what could be found except submission or war? Randolph opposed the war in one of his most famous speeches. By war no one would be the gainer except a few fortunate captains of privateers, the speculators and army contractors. No sooner had the resolutions been proposed, than the vultures had come flocking about their prey,—the carcass of a military establishment. Then, how absurd was the idea of beginning a naval war with the invasion of Canada, leaving the entire seaboard exposed to the fleets of Great Britain. Or if it were proposed to conquer Canada by the French method of fraternity, might not the same policy be inaugurated by the enemy for the emancipation of the southern slaves?

Randolph against the war

1811

"You were unwilling to vote an army when Washington himself was to be its head," said Randolph to the Republicans. "Where is the Revolutionary hero to whom you are about to confide this second trust? Will you find him in the person of an acquitted felon?"[1] Upon the relative merits of the British and French sides of the controversy, Randolph was equally outspoken. "Strange that we should have no objection to any other people, civilized or savage. With chiefs of banditti, negroes or mulattoes, we can treat and can trade. Name but England, and all our antipathies are up in arms against her; against those whose blood was in our veins; those in common with whom we claim Shakespeare, Newton, and Chatham for our countrymen." Referring to Napoleon, Randolph said: "Shall Republicans become the instruments of him who has superseded the title of Attila to be called the Scourge of God? Under all the accumulated wrongs, insults, and robberies of the last of these chieftains, we are about to become a party to his views, a partner in his wars."

Randolph declares the war a partnership with Napoleon

Calhoun replied to Randolph, admitting that Republican theories had failed. He protested against the principle that the rights violated were not worth defending, and condemned the "calculating avarice" that ruined the nation wherever it touched the sovereign power. "I know but one principle to make a nation great," said Calhoun, "to produce in this country, not the form, but the

Calhoun's protest

[1] A bitter reference to Randolph's old enemy Wilkinson, whose trial by court-martial was soon after concluded.

real spirit of union, and that is to protect any citizen in the lawful pursuit of his business. Protection and patriotism are reciprocal." Such doctrine as this threw to the winds the old Republican contention that government existed for the individual, but so popular was it that the resolutions passed December 16, by a practically unanimous vote, the Federalists voting with the war Republicans, and hailing war as a means of putting an end to commercial restrictions, as the ruin of the Republican party and the harbinger of their own return to power.

1811-12

Giles' resolutions pass

Meanwhile, the Giles faction in the Senate had prepared and passed a bill providing for a standing army of 25,000 men, more than the administration desired or could use. Giles, who had by his own vote and influence defeated the President's measures, put an end to the Bank, and repealed the salt tax against Gallatin's wishes, now led in support of the army bill. The House agreed to the measure, and January 11 it became a law. An attempt to enlarge the navy met with defeat, though men were not wanting who foresaw that a strong navy might decide the approaching contest. The frigates *Chesapeake, Constellation,* and *Adams* were to be commissioned at once and an annual appropriation of $200,000 for three years was made for repairs and supplies for the navy-yards. In the Senate, thirty new frigates were proposed as the least number with which the United States should begin hostilities. "Give us this little fleet," said Senator Lloyd, "and in a

The army increased

The navy asks maintenance

1812

quarter of the time in which you would operate upon her in any other way, we would bring Great Britain to terms. To terms, not to your feet. Let us have these thirty frigates. Powerful as Great Britain is, she could not blockade them. By harassing her commerce with this fleet, we could make the people ask the government why they continued to violate our rights. We could, in short, bring the people to ask the government, For whose benefit is this war? And when this is brought about on both sides the water, the business is finished; you would only have to agree on fair and equal terms of peace." All of Lloyd's appeals, sensible as they were, could not overcome the old Republican fear of salt water, and the sum finally appropriated to the use of the navy was insufficient even for repairs.

The Republicans still fear a navy

The department of government upon which the burden would fall most heavily, in case of war, was the Treasury. Gallatin's enemies had cut off the chief sources of his revenue and credit, yet his report showed that the condition of the Treasury was much improved. The Secretary proposed to meet the expenses of the government by moderate internal taxes and by reimposing the salt duty. War expenses he proposed to pay entirely from loans. When a detailed report was called for, Gallatin was obliged to confess the meagerness of his resources, and to place the blame where it belonged, on the ruinous commercial system, the reduction of taxes, and the destruction of the Bank.

The Treasury also cut off from supplies

1812

Such was the condition on March 9, when the President sent to Congress a message and letters concerning what promised to be a momentous intrigue. John Henry, a naturalized American of Irish birth, had been for a time an editor in Philadelphia, had held a commission in the army of 1798, later became a farmer in Vermont, where he attracted the attention of the former governor of Canada, Sir James Craig, by his vigorous attacks upon the Republicans and his graphic reports of political conditions in New England in the winter of 1808. The following year Henry came to Boston, acting under the Canadian governor's instructions, where he remained three months, frequenting taverns and disreputable resorts. He does not seem to have met with any of the Federalist leaders, or to have had any important sources of information; but he reported that Vermont would not enforce the embargo, that Federalist New England was ripe for war, for the formation of a northern confederacy, and for a British alliance.

John Henry acts as a spy for the governor of Canada

His mission terminated by the Erskine agreement, Henry went to England and demanded a large sum of money for his services. His claims were not appreciated by the government, and in anger he returned to America, landed at Boston with a certain Count Crillon, obtained from Governor Gerry a letter of introduction to the President, and departed for Washington to sell his secrets to a credulous government. The Frenchman talked incessantly of his high-born kinsmen, of his estate near the Spanish frontier, of the

Seeks recompense of the United States

1812

liberal sentiments which had led to his banishment by Napoleon. Through the French minister Serurier, Count Crillon was introduced into the best society of the capital, was made much of and was enabled to assist his friend, John Henry, to dispose of his mysterious letters. In January, 1812, Madison paid Henry $50,000 for his secrets, which were transmitted to Congress the 9th of March, the day that Henry embarked at New York for France. The effect of the letters was less than had been anticipated. Henry's predictions applied to a condition which had never existed; they proved no more than that in a time of threatening war Craig had thought it best to send a secret agent to New England, to observe the temper of the people. Moreover, it was found out that the Count Edward Crillon was an impostor, that his estate was an air-castle, his ancient descent a myth. What the people of that time did not know was that he was a secret agent of the French police.

Madison buys Henry's revelations

On the day that Madison had sent the Henry letters to Congress, Foster wrote to the British government that no one believed it possible to raise money sufficient to pay the army that had been voted into existence. A tax collector would be required for every soldier. He added that he had been informed by two of the Federalist leaders in Congress that the proper course for the British government was to persist in retaining and enforcing the Orders in Council. The Federalists preferred war to a continuance of commercial restrictions, for war, they believed, could not fail

Foster's view of the American situation

to result in a hopeless defeat for the Republicans, the ascendency of the Federalists, and a permanent peace with England. 1812

Meanwhile reports were received that French men-of-war were burning on the high seas all American vessels bound to or from the ports of enemies of France. Monroe poured out the vials of his wrath upon the French minister for the false and humiliating position in which the government had been placed. Just when the United States was on the eve of declaring war with Great Britain because she would not answer the repeal of the French decrees by the recall of the Orders in Council, France herself furnished the strongest proof of the permanence of her hostile policy. Monroe's anger against France

Nevertheless, Madison sent to Congress, April 1, a message recommending an embargo for sixty days. By some members of the House, it was regarded as a war measure; others affected to consider it as a revival of coercion without war. The President himself proposed it as a forerunner of hostilities. In the Senate the length of the embargo was increased to ninety days that war might be postponed as long as possible. The embargo act was followed by another authorizing the enlistment of fifteen thousand men for eighteen months. The corps of engineers was reorganized, and in connection with this measure the Military Academy at West Point was established upon a regular basis, professorships were added for permanent instruction in the art of war, and 250 cadets were to be educated at the national expense. An embargo laid

West Point

1812

The announcement of the embargo was received in the South and West with enthusiasm. The war spirit swept over the country; mass-meetings were held in which the President was ardently supported. In the North an entirely different opinion prevailed. Massachusetts and New York were opposed to war, and in both States the Federalists made great gains. Connecticut and Rhode Island were both for peace, and "commerce" and "national glory" became the watchwords of a party which greeted the embargo, or "terrapin war," with derision. In May, a Republican caucus nominated Madison and Gerry for President and Vice-President without any opposition, but it was apparent that the strength of the party was ebbing rapidly in New England.

The West and South welcome, the North opposes, war

Madison was for a time inclined to recommend war against both England and France. As late as the last week in May no decision had been made, but at that time a dispatch from Castlereagh declared that England would not recall her Orders until France had repealed her decrees, not only with respect to the United States, but with respect to all other nations as well. This statement, as Madison said many years later, left no choice between war and a degradation which invited fresh provocations and which would lead inevitably to war.

Castlereagh decides the question

One week after receiving Castlereagh's note, Madison sent a message to Congress recommending war with Great Britain. He did not conceal the disappointment occasioned by the attitude of

1812

Congress declares war against Great Britain

France, but the aggressions of England were felt to be more serious. Among these, impressment was given first place. The Committee on Foreign Affairs, on June 3, favored an immediate appeal to arms. The report was not debated in the House, and passed, June 4, by a majority of thirty. Two weeks later the Senate adopted the report, and, June 18, it was signed by the President. The first session of the twelfth Congress drew rapidly to a close. War having been declared, some means of revenue must be provided. Treasury notes to the extent of four millions were authorized; on July 1, all existing duties were doubled, and five days later, Congress adjourned.

The revolt of East Florida

Another action, taken just before the adjournment of Congress, was not without interest in the history of territorial expansion. It will be remembered that two envoys, Matthews and McKee, had been sent to take possession of East Florida in case of British intervention. They found peaceful seizure impossible, but revolt quite feasible, and Matthews undertook the laudable task of fomenting one. Accordingly, in March of 1812, some two hundred insurgents forced the Spanish commander of St. Augustine to surrender, and raised their own flag, which was soon replaced by that of the United States. The government promptly disavowed Matthews, but continued to hold the territory. June 25, a bill passed the House authorizing the President to take both the Floridas. The Senate defeated it by a majority of two, thus discountenancing the idea of territorial acquisition.

1812

The United States able to show just cause for war

The United States had at last been forced to a decision. It was, in the last resort, for its right to be at peace that the nation was about to fight; and never could nation show juster cause. The total number of captures by the British since the opening of the European wars had been 917; that of the French, 558; to which should be added seizures in ports dominated by France, which would swell the account until it equaled, if it did not exceed, the British total. Unfortunately, a nation that has not yet learned to feel itself a nation feels its rights and wrongs but faintly. The phrase "rights of neutrals" fell cold upon many American hearts. New England opposed war, but would no longer consent to the system of commercial restrictions, preferring to console herself with the idea that the policy of England was a necessary consequence of the Continental situation. On the other hand, the South, under the spell of the spirit of the new West, resented the long-continued ill-treatment, and forced the country into a war for which it was but poorly prepared, and from which it emerged with but little military credit, but with a sense of national unity before unknown.

But only a divided heart

CHAPTER LXV.

THE WAR OF 1812

1812

The Republican party deserts its principles

For twelve years the theory upon which the American government had been administered held that war was an obsolescent mode of vindicating the rights and dignity of a nation; that the very existence of an American army and navy was to be deprecated; and that the true policy of this country, when injured by another, was to withdraw within itself. Now, within the Republican party, the young West and the middle States had succeeded in brushing aside the time-honored Virginia traditions and in pushing the nation out of its attitude of passive resistance; but the party itself, drained of one-fourth of its strength and without precedent or practice in war, stumbled uncertainly in the unaccustomed ways.

Contradictions of the war

Congress had adjourned July 6, leaving the Executive to struggle with the problems of war and local disaffection. Never, perhaps, since men have made war upon each other, has there been a contest involving so many curious contradictions. It was declared by an unwarlike administration and by a party that traditionally hated navies and distrusted armies. It was waged to right wrongs, grievous in the extreme, which long-continued endurance had rendered almost tolerable. It was

1812

declared at the moment when our most consistent and stubborn opponent had begun a sulky conciliation. Though the war was waged in defense of our maritime rights, the real warlike enthusiasm was to be found inland, while by the seafaring communities the war was bitterly denounced and opposed.

Opposition in Massachusetts

In some of the New England seaports the news of the declaration of war had been received with all the signs of public mourning—tolling bells, suspension of business, and the half-masting of flags. The Massachusetts Senate, June 26, issued an address declaring that "he that is not for his country is against it," but the House on the same day called for the formation of a "peace party," before which all other distinctions should vanish, and urged the people not to volunteer, but to hold town meetings and county conventions to express their disapprobation of the war. Town after town and county after county followed this advice. Essex County, at Timothy Pickering's instigation, took action looking toward a State convention; but the opposition of Samuel Dexter caused the plan to be abandoned.

Riots at Baltimore

In Baltimore, where the opposite spirit prevailed, the excesses of the war party were more dangerous than any manifestation of Federal opposition. The *Federal Republican,* edited by Jacob Wagner, an ultra-Federalist of the Pickering school, had been from the first a bold and persistent opponent of the war. Wagner's assistant was Alexander C. Hanson, a young man of

twenty-six, whose grandfather had once presided over the Continental Congress. June 22, soon after the declaration of war, the office of the *Republican* was assailed by a mob, the type thrown away, the presses destroyed, the walls of the building partially demolished, despite the faint but politely expressed regrets of several of the city officials who had observed the work of the rioters. Wagner fled to Georgetown and prepared to issue the paper under the wing of the Federal government, but this course was not approved by Hanson, who was little disposed to relinquish his personal and political privileges at the insolent dictation of an ignorant rabble.

1812

The "Federal Republican" mobbed

Returning to Baltimore five weeks after the first riot, Hanson set up an office in a house formerly occupied by Wagner and thence, July 26, distributed copies of the *Republican* containing some severe strictures upon the magistrates for their apparent complicity in the prevailing disorders. Hanson had prepared for another popular outbreak by organizing a defense in which he was assisted by friends and sympathizers, among them General Lingan and General Harry Lee of Revolutionary fame.

Hanson garrisons his house

That same evening the mob appeared, pelted the house with stones for several hours and had finally succeeded in effecting an entrance, when they were fired upon and one of the leaders was killed. Meanwhile appeals for help had been sent to the authorities, who, after useless parleys with the mob, proposed a capitulation to which both

And repels the mob

1812

parties agreed. The defenders of the house, whom the rioters had charged with murder, were to surrender to the authorities under the express agreement that complete personal protection should be given them. The night after the surrender the prison was broken open, nine of the prisoners were most brutally beaten and tossed in a heap at the foot of the prison steps, where the mob amused themselves for three hours in inflicting indignities upon the senseless bodies. General Lingan expired under the tortures; General Lee was a hopeless cripple for the rest of his life. Through the ingenuity of the jail physician the other victims were rescued and brought back to life. Nothing was done with the ringleaders of the mob. Indeed, it was with some difficulty that Hanson and his surviving associates escaped from the consequences of a charge of murder committed while defending the house.

The mob murders General Lingan

The results of the Baltimore riots were serious and widespread. The friends of the administration could find no possible excuse; its enemies pointed to the riot as the first evidences of an American "reign of terror" which they had so long predicted. The town of Boston declared that the occurrence was "the first fruit of the unnatural and dreadful alliance into which we have entered in fact, if not in form."

The riots cause reaction

Such was the state of feeling in the country from which thirteen new regiments of regular troops and 50,000 volunteers were to be raised, and 100,000 State militia mustered into the national

FORT MACINAC.

OLD FORT DEARBORN.

service. Recruiting for the regular army began in March. In June not more than 4000 recruits had been secured and about the same number of volunteers. The regular army, fixed by law at 36,000, actually contained about 10,000 men under arms, including the 4000 recruits. This constituted the force available to defend, with the assistance of the navy, the unfortified coast line and the frontier from New Orleans to Penobscot and from Lake Champlain to Michillimackinac.

1812

Size of the army

The condition of the northwestern frontier could not escape attention. Four hundred men garrisoned the five widely separated posts which formed the sole defenses of the extensive frontier west of Pennsylvania, back of which lay an immense expanse of sparsely settled territory. Eighty-eight men held the fort on the Island of Mackinac in the straits between Lake Michigan and Lake Huron; fifty-three garrisoned Fort Dearborn on the site of the present city of Chicago; Fort Wayne on the Maumee was defended by a force of eighty-five; Fort Harrison on the Wabash had a garrison of fifty, and Detroit, the most important post in the West, had but 120 men.

The northwest frontier

Across the northern frontier conditions were not much better; the entire British force in Upper Canada numbered not more than 1400 regulars. The population, composed in large part of American loyalists, refugees of Revolutionary days, did not exceed 100,000, yet in the upper province as in Lower Canada the larger part was distributed along the natural frontier, the river, and thereby

Defenses of Canada

1812

possessed the great advantage of an easy means of communication of which the United States was deprived.

The officers of the regular army

The officers selected to command the regular army were respectable gentlemen of few military qualifications, most of them far beyond middle age. Henry Dearborn, the first major-general, had been deputy quartermaster-general in 1781 and colonel of a New Hampshire regiment after the close of the Revolution. Favored by the Republican leaders, he had been a member of Jefferson's Cabinet and afterward collector of the port of Boston. Dearborn's personal influence and that of William Hull, who was a native of Connecticut, would, the administration hoped, allay somewhat Federalist opposition in New England. Thomas Pinckney had served in the southern campaigns of the Revolution with Sumter and Marion, but was known most widely for his good services in civil and diplomatic offices. In order of rank, the brigadiers were James Wilkinson, Wade Hampton of South Carolina, Joseph Bloomfield of New Jersey, James Winchester of Tennessee, and William Hull. Of these, Wilkinson had seen most active service, but Wilkinson was, of the entire number, the man least in favor with the administration, while perhaps not more than two had ever commanded a regiment in the face of an enemy.

Governor William Hull of Michigan was in Washington in February, seeking means to defend his territory from Indian attacks. He suggested

1812

Hull plans an invasion of Canada

that Detroit, when properly garrisoned, should be made the base of operations for an invasion of Upper Canada, which he thought would be abandoned by the British without a blow. The plan was approved by Eustis, the Secretary of War, and elaborated by General Dearborn, who recommended an advance of the main army upon Montreal by way of Lake Champlain, while three detached militia corps should enter Canada from Detroit, Niagara, and Sackett's Harbor. This plan, or any other, required promptness in preparation and vigor in execution; but in the War Department, from the Secretary down, there was nothing but vacillation, confusion, and incompetence. News of the declaration of war reached private parties and the British officers before the American commander heard of it; the Indians were alert and waiting only for the signal from the British governor. Promptness and decision soon worked wonders across the border.

Accepts military command

Early in April, Governor Hull, who had consented to accept the military command at Detroit, set out for Dayton, Ohio, where the militia had been ordered to assemble. At Urbana, the fourth regiment of regular infantry, which had been engaged in the Tippecanoe campaign, joined the militia and the long march of 200 miles through the woods to Detroit was begun. Hull had advanced about seventy-five miles when he received a dispatch from Washington dated the day before the declaration of war, bidding him go forward with all speed possible, but saying nothing about

1812 the possibility of immediate hostilities. The following day a dispatch was sent notifying him of the declaration, but this Hull did not receive until July 2, after he had reached the Maumee River and had forwarded his entrenching tools, baggage, and hospital stores, and even his instructions and muster rolls, by water to Detroit.

Meanwhile the British commander at Malden, informed of the action of Congress, captured the vessel, July 5, with all its valuable contents, as it attempted to pass the guns of the fort. Soon afterward Hull reached Detroit with his forces, now increased to about 1800 men. Acting under the instructions from the War Department, he

Hull enters Canada crossed the river July 12, and captured the little village of Sandwich. On the same day he spread throughout the country a proclamation offering safety and protection to all the inhabitants who remained neutral, encouraging the people to emancipate themselves from the tyranny of the British rule, and threatening with instant death any one who should join the Indians in attacks upon defenseless settlements.

For a few days the outlook seemed promising. Preparation for defense and for the siege of

Siege of Malden Malden went on vigorously; the American forces were increased by the addition of deserters from the Canadian militia, while the number of Indians with the British forces constantly diminished. Hull's troops were eager to attack Malden, which in its weakness must have fallen an easy prey. While Hull was indulging in these apparently

not ill-founded hopes, he urged immediate action at Niagara to prevent the whole force of Upper Canada from concentrating upon Detroit. A council of war deemed his own forces not yet sufficient to attempt active operations against a garrison well intrenched and determined to fight to the last. 1812

Near the end of July, difficulties gathered suddenly and in overwhelming numbers in Hull's pathway, causing the idea of an immediate advance to be abandoned. The little garrison of the fort at Michillimackinac received its first information of the war from a force of British and Indians which demanded the surrender of the post. Taken by surprise and greatly outnumbered by the attacking party, the post was given up July 17, and the only restriction upon the Indians of the upper lakes fell into the hands of the enemy. Soon afterward General Proctor reached Malden with reinforcements and supplies. The line of communications with Ohio was occupied by Tecumthe and his Indians, and all attempts to reopen it effectually were unavailing. Dearborn, who had been in the New England States and New York, was so distracted by the many questions of organization that he had forgotten Hull's dangerous predicament and the necessity of keeping the British forces busied about Niagara.

Surrender of Michillimackinac

Hull's communications cut

In strongest contrast to the weakness displayed by the commanders of the United States, was the activity of the British general and governor of Upper Canada, Isaac Brock. Of the 7000 regular

1812

troops in America at the outbreak of the war, more than 5000 were in Lower Canada; from Montreal westward Brock had no more than 2000 men. The capital of Upper Canada was York, now Toronto, on Lake Ontario, and here Brock waited until the exact point of invasion should be revealed. His own assembly refused to adopt protective measures which he suggested, and the whole province seemed more friendly to the United States than to Great Britain. Yet, in spite of these difficulties, Brock reinforced the Western garrisons, restored confidence to the faint-hearted, learned of the weakness of the United States along the Niagara frontier, and hurried to Malden with all the reinforcements that he could collect upon the way. Meanwhile General Hull had evacuated Sandwich and had retired to Detroit, where he was strengthening his fortifications and endeavoring to re-open his line of communications.

Brock prepares Canadian defenses

Hull retires to Detroit

Upon returning to Detroit, August 8, Hull sent out the fourth regiment and a number of the militia under Colonel Miller to hurry forward the much-needed supplies. At the Indian village of Maguaga, about fourteen miles from Detroit, the detachment came upon a body of British and Indians commanded by General Proctor and Tecumthe. After a sharp engagement, the British retreated to their boats, but the American losses were heavy, the wounded were uncared for, the weather was unfavorable and the forward movement was abandoned. A similar attempt a few days later, under Colonels Cass and McArthur of

the Ohio militia, met with no more definite results. General Brock reached Malden on August 13, and advanced to Sandwich, whence, August 15, he sent a summons to Hull to surrender, intimating that the British would be unable to control their Indian allies if the town had to be taken by assault. Hull refused, but the alarm that he had felt for some days became more and more apparent. Detroit had supplies which, with proper care, might last a month, there were nearly a thousand men to defend the fort, there was no lack of ammunition, but from the commander down there was discouragement and lack of a common purpose. The troops had no faith in Hull and talked of deposing him and choosing another commander. Hull himself was terrified when he thought of the frightful fate which might befall the women and children within the fort.

1812

Demoralization under Hull's command

On the night of August 15, 600 Indians under Tecumthe crossed the Detroit River and stationed themselves between the town and McArthur's detachment, which was returning to the fort. Brock followed with 750 men shortly before daylight, and, afraid of being caught between two fires, determined upon an immediate assault. The British advanced in close columns upon the main road for at least a mile, and all this time were within the range of the fort's heavy guns already loaded, while the impatient gunners momentarily expected the order to fire. A few well-directed volleys would, in all probability, have cut to pieces the British columns and caused their retreat, still under the fire of the

Brock attacks

1812

fort, into the hands of the Ohio militia, to whom the cannon would have announced the battle. At last the British columns reached cover and halted; shells were falling within the town; the militia began to desert; Hull sat as though dazed, still in terrified contemplation of a possible Indian massacre, and just as Brock prepared to follow up his advantage he was met by a flag proposing capitulation. McArthur's forces and the supplies and convoy on the Raisin River were included. The Michigan militia were to be released on parole; all other troops were to become prisoners of war.

Hull surrenders Detroit

As soon as Hull heard of the fall of the fort at Mackinac he sent orders to the commander of Fort Dearborn, on the site of the present city of Chicago, to evacuate the post if it seemed practicable. The commander, Captain Heald, decided to execute the order against the remonstrances of his subordinates. The property in the fort, except liquors and ammunition, was to be turned over to the Indians, who promised safe-conduct to Fort Wayne. No sooner had the little band started, on August 15, than they were attacked by the treacherous savages; many were slain, and the survivors were carried away into captivity. The following day the fort was burned and the control of the Great Lakes passed for a time into the hands of the British. The Indians took generally the side of the English, and American authority stopped with the Wabash and Maumee.

Fort Dearborn surrendered

And inmates massacred

Hull's surrender was the logical result of that neglect of the army which was so important

a part of Republican theory. His officers were without experience, his troops without discipline, his communications were cut off and the Indians were entirely under British control; yet these facts did not atone for lack of personal courage, nerve, and daring, which would have rallied about him the turbulent Western militia and might have turned back, for a time at least, the British advance. 1812

But for the promptness of General Brock, salvation might have reached Hull from an unexpected quarter. In May of 1812, Joel Barlow, the minister of the United States to France, had secured from the French government a formal statement that the Berlin and Milan Decrees had ceased to exist November 1, 1810, so far as American shipping was concerned. The Orders in Council of January, 1807, and April, 1809, had been revoked June 23; and, in accordance with this change, propositions had been made for a suspension of hostilities, to which General Dearborn agreed for the Niagara frontier, stipulating, at the same time, that Hull should share in the agreement if he so desired. The notification sent to Hull failed to reach him in time to affect the result to Detroit.

Brock's promptness prevents the armistice from saving Hull

The American government refused to consent to the armistice for a number of reasons, but chiefly because such a course would seem to waive the question of impressment, which, to American eyes, grew more serious as time went on. The British government steadily declined to consider

1812

Gravity of the impressment question

the abandonment of its ancient practice of impressing British seamen from foreign vessels, though a willingness was professed to receive and consider any plan which might check abuses of the system. More than 6000 complaints were registered with the State Department by impressed seamen who claimed to be Americans; the British ministry admitted 3500 instances, of which at least half were genuine; when the war broke out, 2500 sailors who claimed to be citizens of the United States, were confined in British prisons. Thus it happened that among the many causes of the war the dignity of American citizenship outraged by the practice of impressment, has always remained uppermost in the minds of the people.

The American navy

Almost simultaneously with the news of the surrender of Detroit came the tidings of an American victory which, in some measure, restored American pride. When the war began, the American navy, exclusive of 165 negligible gunboats and the lake craft, consisted of sixteen seagoing vessels. Eight were frigates built in Federalist days; eight were smaller craft of which six were ready for sea. The British vessels on the North American stations alone outnumbered the navy of the United States more than four to one; and an English squadron of eight frigates, with a number of corvettes and sloops, prepared to patrol the Atlantic coast.

The American navy consisted of the *Constitution, President,* and *United States,* forty-fours; the *Congress, Constellation,* and *Chesapeake,* of

ISAAC HULL.

CONSTITUTION AND GUERRIÈRE.

thirty-eight guns; the *Essex,* thirty-two; the *Adams,* twenty-eight; the sloops *Wasp* and *Hornet,* mounting eighteen guns, and the brigs *Argus, Syren, Nautilus, Vixen,* and *Enterprise.* When war was declared, all of the ships then in commission, except the *Wasp,* were near the coast with orders to assemble in New York harbor. There was a plan afoot to keep the navy in the harbors out of harm's way, and to use them there for port defenses. Partly because he feared such orders, partly because he hoped to capture the British Jamaica fleet, then homeward bound, Commodore Rodgers sailed from New York, June 21, with the *President, United States, Congress, Argus,* and *Hornet.* Two days later the British frigate *Belvidera* was sighted and engaged by Rodgers with fair hopes of a capture, when a gun on board the flagship burst, killing and wounding sixteen men, among the latter the Commodore himself. During the confusion that ensued, the *Belvidera* made her escape, and, the pursuit having carried the squadron far out of the course of the Jamaica fleet, Rodgers was compelled to return home empty-handed. Meanwhile a British squadron of five frigates swept down the coast from Halifax, captured the little *Nautilus,* and July 17 came in sight of the *Constitution,* which had not been ready to sail with Rodgers and Decatur. For a time the commander of the *Constitution,* Captain Isaac Hull, thought that the strange sail were Rodgers' squadron; but about nightfall he realized his mistake and lost no time in attempting

1812

Rodgers evades his orders

The "Constitution" chased by a British squadron

1812

The "Constitution" escapes

an escape. For three days a most exciting chase took place. Boats were manned on both sides; the frigates were towed and kedged for an entire day, but the *Constitution* managed to keep out of effective range of her pursuers. Finally, on the evening of July 19, a heavy squall of wind and rain struck the vessels; Hull made the most of it and gained rapidly on the British fleet. The next morning two of the frigates were seen far astern, but still keeping up the chase. During the day they disappeared, and, July 26, Hull entered Boston harbor in safety.

In common with other commanders, Hull feared that he would be assigned to harbor defense duty, and such orders were sent, but he evaded them by entering the outer harbor only and putting out to sea as soon as he had taken on board a few necessary supplies. The *Constitution* sailed August 2, and August 19 encountered, near the mouth of the St. Lawrence, the British frigate *Guerrière,* commanded by Captain Dacres, who had sent a general challenge to any American frigate to meet him in a naval duel. For an hour the ships manœuvred for position in a stiff northwest wind and a high sea. About six o'clock they came alongside, running down together before the wind; the *Constitution* poured broadside after broadside into her luckless antagonist. In thirty minutes the *Guerrière* was helpless; not a spar was standing; seventy-nine of her crew were killed or wounded, and the vessel seemed about to go to the bottom. Hull took the surviving

Conquers the "Guerriere"

1812

English sailors on board the *Constitution;* what was left of the *Guerrière* was blown up, and the victor returned to Boston with his prisoners, among whom were eight impressed Americans. It was Sunday, August 30, when Hull again cast anchor in Boston harbor. The news of his victory soon reached the city, and by Monday the people were wild with enthusiasm. Hull and the Boston-built *Constitution* were received with salutes of artillery and the hearty cheers of the entire population of the New England capital. Hull's victory had justified the Federalist arguments and vindicated Federalist policy.

Enthusiasm over Hull's victory

The victory of the *Constitution* cannot be overrated either in its immediate or later effects. Coming at a time when the country was despondent over the surrender of Detroit, when Americans had lost faith in themselves and doubted their own courage, when the nation lacked standing abroad and was despised by the enemy, the completeness of victory restored confidence at home, and secured for the United States consideration among the nations of the world. In England the news was received with astonishment which amounted almost to despair. Were the hitherto invincible British frigates to be conquered by a few fir-built ships flying a piece of striped bunting at the masthead? Should a peace-loving nation which had submitted tamely to English arrogance, humble the pride of 600 ships with a navy of less than twenty? Wherein was the secret of this remarkable success? A careful comparison of the vessels engaged in part

The sensation in England

1812

gave the answer. The *Constitution* was longer, wider, better in lines and construction, of deeper draft than the *Guerrière,* and the armament was heavier, the crew more numerous, officers and men more efficient, man for man; yet these facts alone could not account for the completeness of defeat. Beyond all these was the fact that the Americans were fighting to avenge their outraged rights and insulted flag.

Causes of success

Other victories followed rapidly upon that of the *Constitution.* The *Essex* met a British fleet conveying reinforcements to Canada and cut out and captured one of the transports; soon afterward she captured the British twenty-gun sloop *Alert.* The sloop of war *Wasp,* commanded by Captain Jacob Jones, when about 600 miles off Norfolk, Va., met the British brig *Frolic* guarding a fleet of merchantmen. A furious fire began at short range. The *Wasp* soon lost her main-top mast; the vessels ran foul of each other so that the *Wasp* poured a raking fire upon the *Frolic's* deck. When the Americans boarded, the only uninjured man on deck was the man at the wheel. Of the *Wasp's* crew, five were killed and five wounded; not twenty of the English remained unhurt. Unfortunately, Captain Jones was deprived of the fruits of the victory, for he was overtaken, while disabled from the engagement, by the British line-of-battle ship *Poictiers,* and both the *Wasp* and her prize were taken to Bermuda.

The "Wasp" and the "Frolic"

Less than a fortnight after Captain Jones' victory, the frigate *United States,* commanded by

PEACOCK AND EPERVIER.

WASP AND FROLIC.

1812

The "United States" and "Macedonian"

Captain Decatur, sighted the British frigate *Macedonian* while cruising off the Azores. There was a heavy sea and the battle began at long range, though the *Macedonian* suffered severely from the heavier guns of her opponent. At shorter range the outcome was no better. Decatur raked the *Macedonian,* disabled her rigging and dismounted her guns upon the engaged side, and an hour and a half after the battle began, received her surrender. Early in December, Decatur and his prize reached New York, where both were the subject of an enthusiastic popular triumph. Lieutenant Hamilton, the son of the Secretary of the Navy, was sent to Washington with the flag of the captured frigate. At the Capital, Hamilton heard that a great ball was being held in honor of the brilliant victories of the navy. Making his way to the ballroom, he announced the capture of the *Macedonian,* and in a chorus of cheers and patriotic songs, the *Macedonian's* flag was placed beside those of the *Alert* and *Guerrière.*

The "Constitution" and "Java"

The year closed with a victory not less notable than those which have been described. The *Constitution,* now commanded by Captain Bainbridge, was cruising off the coast of Brazil, where the British frigate *Java* was sighted. The English vessel at once gave chase, and, as in the case of the *Macedonian,* the action began at long range. After half an hour of such fighting Bainbridge continued to close with the enemy and inflicted severe damages, not without serious injury to his own rigging. Bainbridge prepared to attack

1812 again after temporary repairs, when the *Java* struck her colors. The *Constitution* was too far away for the prize to be brought into port. The *Java* was destroyed, her passengers and crew paroled, and Bainbridge returned to Boston.

The sources of success and failure

Whatever the immediate effect of these contests, careful study on both sides soon revealed some of the causes of American success. On the part of the British there was a heedless contempt for their adversaries which led their commanders to challenge contests with vessels their superior in size and strength. This same reliance upon an imaginary invincibility led them, in some instances, to neglect discipline and gun-practice. The *Java's* crew, for example, had had no exercise in target firing, while on the *Constitution* there was a constant drill in fighting, boarding, and in every detail of management. The British Admiralty was ruled by favoritism and corruption; supplies and stores were often bad or deficient, and ships were far less effective than their rating seemed to warrant. On the American side there was a feeling of power arising from a mutual confidence between the officers and men, a thorough knowledge of the vessel and its capabilities, and, soon after the war began, the inspiration born of victory.

From these scenes many of the Americans of 1812 turned with an indifferent air to view the repeated exhibitions of the weakness and incompetence along the Canadian frontier. The original plan had been to invade Upper Canada at several

points and, possession of the province once secured, to move down the St. Lawrence to Quebec. The first attempt had been an ignominious failure accompanied by the loss of the outlying forts in the Northwest. Fort Wayne and Fort Harrison (Terre Haute, Indiana) were threatened by the Indians, and it seemed not impossible that the United States would lose all of the territory gained recently by treaty from the western tribes. However, the place in the country where the war spirit was strongest was Kentucky and the Northwest. General Harrison possessed the confidence of the western people, and the West might be depended upon to protect itself eventually, though greatly hindered by the unsettled character of the country.

1812

The Northwest threatened

By the most active coöperation of the War Department with Governor Tompkins of New York and the Vermont Legislature, a force of nearly 5000 men had been collected on Lake Champlain under the personal command of General Dearborn. About 2000 militia were distributed along the St. Lawrence from Sackett's Harbor eastward. At Niagara there was a force of about 4500, including a regiment of regular infantry and some artillery under the command of Stephen Van Rensselaer, Federalist candidate for governor of New York. In the last days of September a brigade of the newly recruited regular troops under the command of Brigadier-General Alexander Smyth of Virginia reached Buffalo, supposedly to coöperate with Van Rensselaer. In

Forces in the Northwest

1812

this war, however, nothing can be inferred from numbers. The troops, regulars and militia, were newly recruited and recently under arms. Many of them were without equipments, without proper clothing or camp supplies; most of them were disorderly and undisciplined. The armies of 1812 were little short of mobs.

The war on the New York frontier

The war along the New York frontier began about Ogdensburg, where Jacob Brown was in command of the militia. Brown had been military secretary under Hamilton during the now forgotten French war of 1798; had removed afterward to upper New York, where he had founded the village of Brownsville, near Sackett's Harbor. An attack was made on Ogdensburg, October 4, from the Canadian town of Prescott, across the St. Lawrence, and this attack Brown had the good fortune to repel. Meanwhile, at Sackett's Harbor, Captain Isaac Chauncey was engaged in building a twenty-four-gun ship which was to be reinforced by six small schooners which he had armed with four guns each. With these and the *Oneida,* a sixteen-gun sloop built before the war began, Chauncey drove the British into Kingston harbor.

Meanwhile Chauncey had sent Lieutenant Jesse Elliot to Buffalo to lay the keels of a little navy for Lake Erie. While there Elliot, with the assistance of some land forces, succeeded in recapturing the *Adams,* which the British had obtained by Hull's surrender, and in making a prize of the *Caledonia,* a small British vessel mounting two guns. Elliot's exploit was without immediate

result, for the *Adams* grounded and was destroyed, while the *Caledonia* and four other vessels in the harbor at Black Rock were prevented by the guns of Fort Erie from moving out into the lake. 1812

The news of Elliot's adventure excited the forces of Van Rensselaer and they demanded to be led against the enemy. Smyth and Van Rensselaer had quarreled soon after the former's arrival. Smyth favored an invasion from Buffalo, Van Rensselaer from Lewiston; an invitation to Smyth to attend a council of war was ignored; there were half-concealed rumors that Van Rensselaer's Federalism was the cause of his delay. Under these circumstances he decided to make the attack at once. Smyth and Van Rensselaer quarrel

Across the river General Brock had about 2000 men to defend the frontier of forty miles. Brock was himself at Fort George, one of the strongest points in Upper Canada, situated near the mouth of the Niagara River about five miles below Queenstown. Two hundred men were at Queenstown; the Forty-first Regiment, which had been with Brock at Detroit, was at Fort George; the remainder of his forces were distributed along the upper course of the river, the largest detachments being at Chippewa and Fort Erie. Brock's forces

The invasion had been planned for the night of October 10. But one boat got across; no oars could be found for the others, and at daylight, October 11, the troops returned to camp, sullen and mutinous, after waiting for hours in a driving storm. October 12, the crossing was attempted The invasion delayed

1812

again; this time in two columns under the direction of Colonel Solomon Van Rensselaer, a cousin of the commander-in-chief, and Lieutenant-Colonel Christie of the regular forces. Unfortunately, there were only thirteen boats, so that not more than 300 men could cross the river at once. When the first detachment reached the beach, the men were formed and attacked the British who had gathered to dispute the landing, driving them back to Queenstown, where they were reinforced and soon afterward checked the American advance, severely wounding Colonel Van Rensselaer. About seven o'clock Brock himself appeared and took a position with the artillery on the hill where his monument now stands, to watch the contest going on below. But young Captain Wool of the Thirteenth Regiment found a path by which to surprise the battery from the rear and drive out its defenders. Brock had sent to Fort George for the Forty-first Regiment, but without waiting for it he collected a small body of men with which he attempted to dislodge the Americans from the heights. On the second attempt, Brock led in person, and was killed just as the attacking column was mounting the hill. The English fire ceased for a time, except from a stone house into which the battery from the heights had retreated.

The crossing retarded

Brock is killed

Meanwhile Colonel Christie had taken command of the forces on the Canadian side, with Lieutenant-Colonel Winfield Scott in charge of Wool's regulars. Captain Totten of the engineers was directed to fortify a camp at Queenstown,

BROCK'S MONUMENT, QUEENSTOWN HEIGHTS.

and appeals for aid were sent to General Smyth. About two o'clock the regulars from Fort George under General Sheaffe, accompanied by a party of Indians, advanced to attack the American position held now by about 600 men, while 200 more congregated in terror on the river-bank. 1812

From his position on Queenstown Heights, General Van Rensselaer saw the embarkation cease and hastened across the river to ascertain the cause. Here he found to his astonishment and despair that the men who had clamored so loudly to be led against the "British hirelings" had lost all their ardor and even their courage. The sight of their wounded comrades had cured their thirst for blood. They fell back upon their rights as militia and insisted that the danger of their comrades could not be defined as invasion, insurrection or enforcement of the laws; and that, therefore, they were in no manner bound to go to their assistance. Meanwhile the boatmen were fleeing with the boats, and Van Rensselaer, from the American side, raged as he saw the little detachment across the river driven from the heights to the water's edge and then forced to surrender, while their comrades, from their safe retreat, looked on in cowardly acquiescence. The next day General Van Rensselaer reported the action to Dearborn and asked to be relieved of his command, to which Dearborn agreed, for he attributed the defeat to Van Rensselaer's jealousy of his colleague, Smyth, and his unwillingness to coöperate with the latter.

The militia refuse to fight in Canada

Van Rensselaer resigns

1812

Brigadier-General Alexander Smyth was a native of Ireland who had won a respectable place at the Virginia bar; had been appointed a colonel by Jefferson in 1808, and was now made inspector general. He began his campaign by a vigorous fire of grandiloquent proclamations in which he dwelt at an immodest length upon the weakness of his predecessors, upon his own ability to save the country from an overwhelming disgrace, and upon the "silence, obedience, and steadiness" of his soldiers, qualities certainly not possessed by the men under his command. Orders for the invasion of Canada were issued November 25, which prescribed with ridiculous minuteness the particular times at which the soldiers should shout or keep silent, should fire or charge with the bayonets. Two days later, the day before the actual crossing was to take place, Smyth animated the spirits of his men with this order: "Friends of your country! ye who have the 'will to do, the heart to dare,' the moment ye have wished for is arrived! Think on your country's honors torn! Her rights trampled on! Her sons enslaved! Her infants perishing by the hatchet! Be strong! Be brave!"

Smyth's campaign of proclamations

It was arranged for a body of sailors to surprise the British batteries opposite Black Rock, while a detachment of regulars under Colonel Boerstler destroyed the bridge over Chippewa Creek to delay the British advance. The guns were taken and spiked, part of the bridge was torn up, but no use was made of these successes.

Projected attack on Black Rock

GENERAL HENRY DEARBORN.

1812

Embarkation began at sunrise, but it was afternoon before 1200 men were in the boats. The flotilla went as far as Black Rock, where the men were sent on shore for dinner. A council of war was held which advised against crossing with less than 3000 men in the boats at once, a decision to which Smyth agreed and in which he was supported by an order from Dearborn which had for its apparent object the prevention of a decision such as had occurred previously at Queenstown. Two days later another attempt was made and another council of war disapproved the invasion. Then the discontent of the soldiers broke out in open riot. Smyth was hooted at in the camp; the militia took such great delight in accidental discharges of their muskets in his vicinity that he was obliged to pitch his tent among the regulars for protection; he was shot at in the streets of Buffalo, and branded by Peter B. Porter as a coward. After a bloodless duel, Smyth asked and received permission to go home on a visit, and was dropped from the army rolls by the President three months later. There is no question but that a good share of the fault lay in the army itself, in the lack of equipment, in the sanitary condition which made half the men unfit for duty, yet the organization and discipline which were so badly needed might have been supplied, in part at least, by a resourceful commander.

The invasion postponed

Postponed again

Demoralization of the army

These commanders had failed in the effort to invade Canada. It remained for Dearborn himself to fail in a similar attempt. About 5000

1812

regulars and 3000 militia had been assembled by the middle of October at Plattsburg, whence several abortive attempts at invasion were made. A small detachment crossed the boundary and burned a blockhouse; another surprised a small post at St. Regis, taking a few prisoners and a flag which the British insisted was that of an Indian agent. Two other bodies of troops fired upon each other in the darkness and both retreated. The militia refused to cross into Canada, and by the end of November the army was safe in winter quarters at Plattsburg.

Dearborn fails to make an invasion

In the West the situation was far more serious, for these settlements were in constant fear of Indian attacks. Kentucky poured forth her volunteers in large numbers to serve under General Harrison, who was made a major-general of the Kentucky militia. Meanwhile an Indian raid had spread terror into the southern parts of Indiana, and the utmost haste was necessary. On the 12th of September, Harrison reached Fort Wayne and sent detachments to burn the Indian villages in the vicinity. At Fort Wayne he was relieved by General Winchester, but, through the influence of Kentucky, was soon replaced at the head of the western army. Troops and provisions were collected at Fort Defiance and Upper Sandusky to be forwarded to the falls of the Maumee, the chief base of operations. But the troops arrived in advance of the supplies. The soldiers were without shoes and clothing and sometimes wanted food. In spite of all exertions, communication

Precarious situation of the Western settlements

was so impeded that it was found impossible to move the supplies until the beginning of the winter. In October, about 4000 Kentucky militia under General Hopkins started from Vincennes to destroy some Indian towns upon the Illinois River; but after a four-days' march the militia became panic-stricken, and, in spite of Hopkins' entreaties, fell back to Vincennes, leaving the empty honor of burning several Indian towns to Governor Edwards of Illinois. 1812

Military defeat in the West and the odium of the Baltimore riots was a heavy burden of misfortune for any administration to bear upon the eve of a general election. Yet there was no candidate of national reputation to contest with Madison for the first place. DeWitt Clinton was favored by New York, yet Clinton's experience was mainly that of an adroit politician. Clinton was young and popular; he had behind him an immense family influence. His candidacy was, however, a visible protest of the discontented Middle States against Virginia. By some peculiar political sleight of hand the support of the peace party was secured for this advocate of a vigorous war, and at a secret convention held in New York, in September, the electoral vote of the New England States was pledged to him, Vermont alone refusing. In addition, the votes of New York, New Jersey, and Delaware were pledged. In Maryland the vote was divided between Madison and Clinton. Pennsylvania, with the South and West, stood solidly for Madison, who was reëlected

Apathy of the country toward the elections

1812

by a vote of 128 electoral votes to 89. The administration's victory was neither sweeping nor encouraging. It was not an evidence of any particular enthusiasm for the war, but showed an unwillingness, as yet, to trust the management of public affairs to the opposition.

The President's message recommends un-Republican measures

The President's message to Congress, November 4, related, in a tone of carefully modulated optimism, the unfortunate events of the war in the Northwest, and the attempts made by Great Britain to reopen negotiations, with the circumstances and reasons for rejecting these propositions. As has been stated, the United States took the final ground that the suspension of impressments should be the essential condition of any armistice and a prohibition of the practice a condition of peace; but to this the British government refused to consent. The message recommended, also, increased pay for the regular army and the volunteers, the organization of a body of troops solely for the defense of the frontiers, provisions for an increase in the number of general officers, a revision of the militia laws, enlargement of the navy, and stricter penal laws against intercourse with the enemy. During the embargo days the people on the border had openly violated the law and now a steady stream of supplies passed over the boundary in return for English gold.

The recommendations formed a truly formidable program to place before a Republican Congress, but the worst remained untold, for, in regard to finance, Madison merely stated that the

current expenses for the closing year could be met from the Treasury receipts. He deferred the unpleasant task of making estimates for a future message. 1812

In accordance with the suggestions of the President, the House Committee on Military Affairs reported a bill, November 19, that raised the pay of the private soldiers to eight dollars a month, exempted them from arrest for debt, allowed minors above eighteen to enlist without the consent of parents or guardians, and permitted enlistments in the regular army for the term of the war instead of for four years. The second provision, authorizing exemption from arrest for debt, was introduced to remove opportunities for defrauding the service by means of an arrest made by agreement between the enlisted man and his pretended creditor—a practice quite common in Massachusetts. Though the bill was obnoxious and though it consorted strangely with Republican doctrine, yet the party saw no way except to support it in silence. Josiah Quincy inveighed bitterly against the provision allowing minors to enlist without the consent of parents or guardians; Randolph gloated with malicious glee, as he bade his party remember 1798, but the bill passed, nevertheless, except that in the Senate the clause relating to minors was stricken out. The military bill. Unwelcome but indispensable.

By other acts the navy was to be increased by four line-of-battle ships, six forty-fours, and six sloops-of-war; the President was authorized to raise twenty additional regiments of infantry and

1812

ten more companies of rangers; the general staff of the army was to be reorganized. The army itself now consisted legally of 58,000 men.

Quincy's attack on the war

While the army bill was before the House, the whole conduct of the war and policy of the administration was made the subject of general discussion. Josiah Quincy, in a savage speech, charged that the war was a part of a conspiracy to establish a military despotism, by an administration composed of two Virginians and a foreigner which had ruled the country for twelve years with an authority little short of despotic. They were then combining to receive the succession of James the Second (Monroe), were about to make him leader of their army, and if Canada were conquered, they would doubtless divide it into lordships and dukedoms for themselves. The invasion of Canada was a cruel, wanton, senseless attack, upon an unoffending people, for the punishment of another people 3000 miles away. It was an attack undertaken by half-hatched young politicians, fluttering and cackling on the floor of the House; politicians to whom reason, justice, and pity were nothing, revenge everything.

Clay replies

The task of answering Quincy fell to Henry Clay as leader of the "unfledged" politicians, whose actions were so greatly deplored. Clay charged the opposition with urging war when the administration was at peace, and now, in time of war, deserting the administration and the country. To the charge of French influence, he knew but one reply,—the lie direct. As to the sentimental pro-

tests against invading Canada, had the United States no complaints to make? Had not the Canadian government stirred up the Indian tribes, furnished them with materials of war and sent them out to prey upon defenseless settlements? Michillimackinac had been taken, the troops at Chicago had been massacred under the direction and by the support of this same Canadian government. If the administration had made a mistake at all, it was in too great solicitude for peace. His plan would be to call out the entire resources of the country, strike wherever an enemy could be reached, and dictate a peace either at Quebec or Halifax. 1812

After Clay's impassioned appeal, which moved many of his hearers to tears, Randolph, in a long and uncommonly sober speech, recited the ancient creed of the Republican party, the principles of 1798, traced the steps of that party into apostasy after the "Revolution of 1801," and while carefully refraining from mentioning the President, repeated the old charge of malign French influence. Not even Macon rose to repel Randolph's charge of apostasy. Apparently the whole speech would have been passed over in silence but for the young Calhoun, for whom the question of French influence had no interest and who spoke with almost blasphemous lightness of the "principles of 1798." However, the Republican party heard the young iconoclast unmoved. Republican consciences were elastic, and the party had become reconciled to war, though not to its burdens.

Randolph charges his party with apostasy

The party unmoved

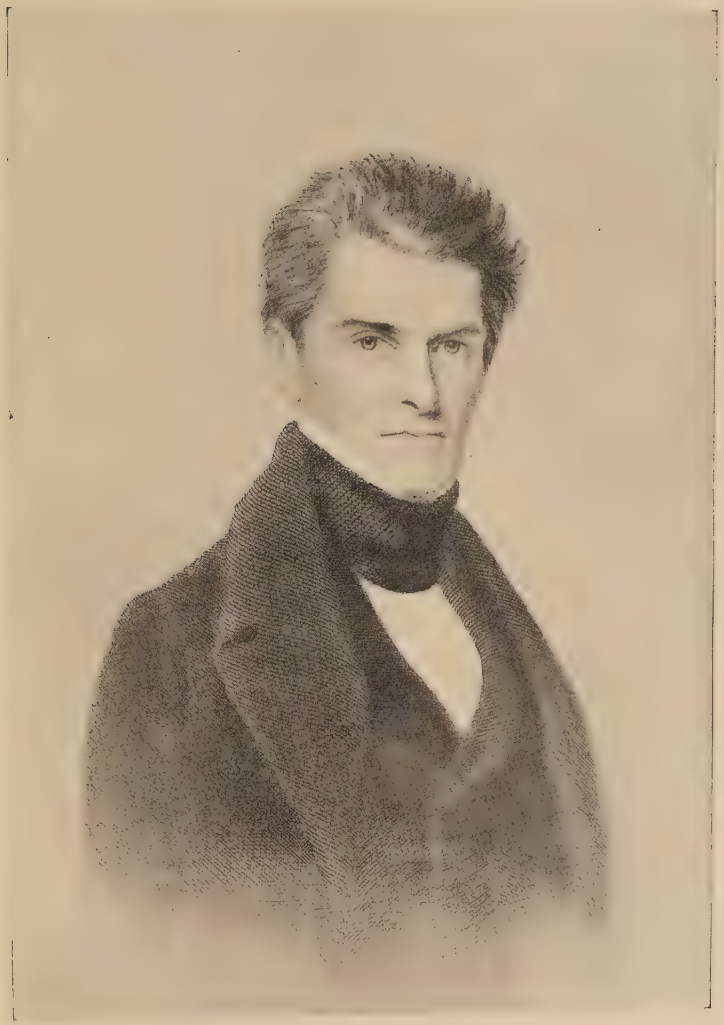
1812

The rising group of three young South Carolinians, Calhoun, Cheves, and Lowndes, were anxious to raise the necessary revenue by repealing the non-intercourse law and imposing high duties. The majority, fearful of losing the support of the Middle States by internal taxation, were not ready to abandon the "restrictive system," but were unable to suggest a financial policy adequate to the emergency. Gallatin had suggested to the Committee of Ways and Means a source of temporary relief. By the Non-intercourse act of March 2, 1811, it was provided that repeal of the Orders in Council should operate to revoke the non-importation provisions, and that proclamation by the President announcing this action of Great Britain should be sufficient evidence of the repeal. When the Orders were repealed, June 23, British and American merchants and ship captains then in England made large shipments to the United States, relying on the restoration of trade by means of a Presidential proclamation.

The majority fear to abandon non-intercourse

The declaration of war was not known in London until the end of July, by which time merchandise to the value of twenty millions was on its way to the United States. Whether these vessels were seized by American privateers on the ocean, or by the revenue officers in port, the importers found themselves technically law-breakers and their cargoes subject to confiscation. The Treasury had ordered all goods released on bond for their full value and the amount of the duties. Owing to the immediate closure of the

Dilemma of the Treasury



JOHN C. CALHOUN.

markets, the importers were able to sell at high prices; in some cases, double the original cost. Technically the goods were forfeited, but since they had been imported without fraudulent intent, some mitigation was expected. Gallatin suggested that substantial justice would be done by retaining one-half of the legal forfeit. The Committee on Ways and Means reported that legislation was inexpedient, and left the entire matter to the Treasury. Langdon Cheves, chairman of the committee, protested against the use of any part of the forfeit. Clay believed compromise wrong, and favored remitting or exacting the entire forfeit. Calhoun concluded that the entire restrictive system was out of place in this country, while Quincy scornfully declared that, compared to forfeiture, "a highway robbery was a little higher in point of courage, and a little less in point of iniquity." The House was unable to decide the question, but, December 23, passed, by a majority of three, a Senate bill remitting the forfeitures on goods shipped between June 23 and September 15, 1812.

1812

Gallatin suggests compromise

Congress scorns to compromise

Gallatin's annual report, which had been before the House since December 5, showed an authorized expenditure of thirty-two millions for the year, with a revenue of not more than twelve millions. To meet the deficiency, bills were prepared which received the President's signature in February, authorizing an issue of five millions in Treasury notes and a loan of sixteen millions on the best terms obtainable.

1813

Still the House refused to face the issue of the necessary increase in revenue. Langdon Cheves, chairman on the Committee on Ways and Means, exerted himself to prevent tax bills from being reported, preferring to use the deficit in the Treasury as an argument for a high tariff and a repeal of the Non-importation act. The House was far from ready to follow Cheves in his opposition to the "restrictive system," but neither was it eager to vote taxes. Until February 17, every resolution calling for the presentation of tax-bills was tabled with nervous haste. On that day the House, in a panic, shifted the responsibility to the Committee on Ways and Means, and ordered measures for taxation to be reported. Cheves protested that the fortnight yet remaining would scarcely suffice to perfect two bills out of the fourteen that would be required. February 15, Cheves presented a bill partially repealing the Non-importation act, but Baltimore and New York sent protesting memorials to both Houses; Potter, a Federalist member of the House from Rhode Island, declared that many merchants of his constituency, driven by the restrictive system into manufacturing, would be ruined by the repeal. The House converted the bill into one for stricter enforcement of non-importation. In this form it went to the Senate and was not heard of again.

The House fears to vote taxation

And to repeal non-importation

In spite of the severe rebuff he had received, Madison still urged legislation against the employment of British seamen. A report from the Committee on Foreign Relations was made January

29, which approved the Executive contention that impressment alone prevented peace. A bill was proposed making it unlawful, from the conclusion of peace, to employ as seamen, on public or private vessels of the United States, any but native-born Americans, or citizens naturalized within five years from the close of the war; such prohibition to affect only the natives of countries which reciprocally prohibited the employment of citizens of the United States. Opposition at once arose from peace Federalists and war Republicans alike, but it was passed by a large majority, and, March 3, became a law.

1813

Bill against employment of foreign seamen

On the following day, Madison took, for the second time, the oath of office as President of the United States. The beginning of the administration was clouded by the failure of the Northwestern campaign, while in Massachusetts and Connecticut there had developed an attitude of passive resistance to the war. Meanwhile the British blockade of the Chesapeake and the Delaware, proclaimed December 26, had been effective since early in February. Unable, under these circumstances, to point out any material gains, Madison contrasted the war as conducted by the English and Americans and called on the latter to "reflect with a proud satisfaction" that the war was a just one, and was by them being honorably, courteously, and humanely waged.

The outlook dark at Madison's second inauguration

Four days after the inauguration, Russia offered her services as a mediator between the United States and Great Britain. Freed forever

1813

from the fear of French domination, allied by commercial interests with England, a strong friend of the United States, the Czar had every reason for desiring the conclusion of hostilities. The first friendly advances had been made at St. Petersburg the preceding September to the diplomatic representatives of the two countries. Adams had encouraged the plan; Great Britain, through her minister, did not refuse to consider it; so that when the formal proposition was made, Madison seized upon it as a possible avenue to the honorable peace which he so greatly desired.

The Czar offers mediation

It was decided to name three commissioners, of whom John Quincy Adams, then at St. Petersburg, was to be one, to negotiate under the Czar's offer. To conciliate the opposition, a Federalist, James A. Bayard of Delaware, was joined with Gallatin, who, wearied and disgusted with the political intrigue and personal opposition by which he was beset, offered to take the remaining place on the peace commission. No one could supply Gallatin's place in the Treasury; but, on the other hand, not even Gallatin could supply means for carrying on war out of a Treasury which Congress refused to replenish, and the effort to do so was distasteful beyond measure to him. Favorable terms of peace, if such could be obtained, were in Gallatin's mind the one consideration which could outweigh the business of the Treasury. Madison, moreover, did not intend that his retirement should be permanent.

A peace commission appointed

1813

The loan placed with difficulty

Meanwhile, subscription books had been opened in the large cities for the new loan of sixteen millions. The amount was to be placed at seven per cent., to be reduced to six at the end of thirteen years. After two attempts in which subscriptions to a very small amount were received, three foreign-born citizens of the United States, John Jacob Astor, Stephen Girard, and David Parish, took up the rest of the loan. It was agreed that for each eighty-eight dollars loaned, the government should issue a share of six per cent. stock having a face value of $100, and redeemable in thirteen years.

War Republicans weaker in the new Congress

The Congressional elections took place May 1, resulting in Federalist gains in New England and a victory in the city of New York. The thirteenth Congress met in special session May 24, summoned to provide means for continuing the war. The Federalists, who had nine votes in the Senate, were strengthened by the accession of Rufus King of New York, while the Republicans were weakened by the loss of William H. Crawford, appointed minister to France to succeed Joel Barlow, who died at Warsaw while on his way to meet Napoleon by personal request. In the House the war party lost its two-thirds majority, having but 118 votes to oppose to the sixty-eight of the opposition.

The President, in his message, placed particular emphasis upon the terms of the recent loan, and Congress was given to understand that taxation could be deferred no longer. The thirteenth

1813

The thirteenth Congress compelled to lay taxes

Congress was now face to face with the necessity of abolishing the last vestiges of Republican reform. The country was divided into collection districts; a direct tax of $3,000,000 was laid and apportioned; a system of internal revenue was framed which placed taxes upon sugar refineries, pleasure carriages, licenses to distillers and retailers of spirits or of foreign merchandise, on bank notes, bills of exchange, and on imported salt. An embargo was recommended by the President to counteract the British system of licenses, which, as if to bribe New England, had permitted the coveted trade with the West Indies. The House passed an embargo act according to the President's desire, but the Senate refused to concur.

Webster embarrasses the administration

Only the pressing and inevitable needs of the bankrupt Treasury held Congress to the dreaded task, raked by the constant fire of Federal criticism and threatened by British guns. Daniel Webster, now in Congress for the first time, called for information in regard to the repeal of Napoleon's decrees and the time when that repeal became known to the government. The subject was historically interesting, and, moreover, greatly embarrassed the administration, yet would scarcely invite discussion with a British fleet on the point of entering the Potomac. Congress, however, debated for two weeks before requesting the Executive to reply.

The Senate, in the mean time, had found an opportunity for factious opposition by refusing

1813

to confirm Gallatin's appointment as a member of the Peace Commission on the ground that the functions of Secretary of the Treasury and of envoy extraordinary were incompatible. At the same time, assent was refused to the appointment of Jonathan Russell as minister to Sweden. Meanwhile Gallatin and Bayard had sailed for Europe to begin negotiations for peace, but with instructions to require England to abandon the practice of impressment, and, in case of refusal, to return home at once.

The Senate is factious

The close of the year 1812 found the Western army in two divisions under Winchester and Harrison, in winter camps near Defiance, Ohio, and at Lower Sandusky. The point of concentration for the troops and supplies was the Rapids of the Maumee, but it was a physical impossibility to establish communications until the frost had rendered the ground hard enough to support the wagons. Nothing had been done, therefore, in October and November. In the camps the men were on half rations, were poorly clothed, and many of them were ill, yet the spirit of fight was strong within them.

The Western army ill cared for

Near the end of the second fortnight in December, Harrison sent orders to Winchester to move forward to the Rapids, and, while waiting for the remainder of the army to reach him, to prepare transportation for an expedition against Malden. Harrison hoped to reach the Maumee Rapids a month later, and, in case the attack on Malden should fail, to be able at least to advance his forces

Winchester's advance

1813 to a point opposite the town. Winchester reached the Maumee, January 10, and began to build storehouses for supplies and shelter for the troops.

While Winchester was thus engaged, messages came from Frenchtown begging for help against a body of 300 Canadian militia and Indians who had taken possession of the town and were threatening to destroy it and take the inhabitants prisoners to Canada. Frenchtown was near the River Raisin, some thirty miles north of the Rapids of the Maumee; Malden was eighteen miles away, and at Malden 4000 British regulars and their Indian allies had been stationed to ward off the threatened invasion of Canada.

Frenchtown appeals for help

Winchester had with him about 1300 troops, many of them the flower of the Kentucky militia. Their terms of enlistment would expire in February and all were anxious for a fight. It would be an easy matter to overwhelm the hostile force at Frenchtown; to neglect the appeal for help seemed cowardly, and a council of war decided without a dissenting voice in favor of the advance.

The advance ordered

Six hundred and fifty Kentucky troops started early in the morning, January 17, and, marching along the shore of the lake, reached Frenchtown about two o'clock in the afternoon. On the north bank of the Raisin were the British and Indians, who were driven back after a sharp engagement in which about sixty-five of the Americans were either killed or wounded. Winchester realized the dangerous situation of the detachment, exposed to attack by a force five times its number situated

Fight along the Raisin

only eighteen miles away. He hurried forward with 250 men, leaving a somewhat larger force on guard at the Rapids, while messengers were sent off at once to Harrison, who arrived the next morning, January 20, at the camp on the Maumee. Harrison prepared to go at once to Winchester's aid, when he heard that the whole force at Frenchtown had been overpowered. 1813

According to Winchester's story, the town, which was on the north side of the Raisin, was protected by high picket fence on three sides, and within these lines the first detachment of Kentucky militia was in camp under the command of Colonel William Lewis and John Allen. When the reinforcements under Colonel Wells arrived, they were stationed in an open field on the right of the town. Winchester had thought of retreat, but to have done so he must have deserted the wounded, whom he had no means to transport. Meanwhile the troops scattered about on one side the river seeking the most comfortable places for their camps; Winchester himself was on the other bank, about a hundred yards away. No night patrols or pickets were stationed, though word was received that the enemy was preparing an attack. **Winchester takes no precautions against surprise**

Colonel Proctor left Malden, January 21, with a force of a thousand Indians and Canadian militia; advanced undiscovered during the day to within five miles of Frenchtown, where he encamped for the night. The next morning, before day, Proctor's force came within musket shot of the picketed town and had partially formed their

1813

battle line before they were discovered. Instead of making an assault, which must have overpowered the unsuspecting Americans, Proctor preferred to batter the fences with his three-pound guns. To this fire the Kentuckians replied effectively with their rifles, and for a time it seemed that they might win the fight. Wells' regiment of regulars, which had encamped in the open field, was outflanked by the British and driven back toward the river. Reinforcements were sent, but the line was gradually forced back across the river, where the men became panic-stricken and sought safety in headlong flight, pursued and soon partly surrounded by 600 Indians. Colonel Allen was killed, Lewis and Winchester were prisoners of war.

The American regulars captured

Meanwhile the men behind the picket fences were in a hopeless situation. Their ammunition was running low, they were surrounded by a victorious enemy outnumbering them three to one. Proctor urged Winchester to advise surrender, for the artillery might be used to fire the village and thus drive out the defenders. Moreover, in case of a battle, the Indians, already excited by the previous victory, could not be restrained. Accordingly, the entire force, 384 men, surrendered upon the promise that private property should be respected, and that the sick and wounded should be protected. As the Kentucky troops came into the British lines, the officers regarded them with amusement. Their clothing was the hunting suit covered with a dirty blanket, fastened at the waist by a broad leather belt into which were thrust

Winchester surrenders

hatchets and long knives. The officers were to be distinguished by their swords and short rifles. The clothing of the men was in the last stages of usefulness; their long and uncombed locks were covered with slouched hats, threadbare from long use; they looked like brigands of the Apennines. 1813

As soon as the articles of surrender were signed, Proctor started to Malden, taking the prisoners who were able to walk. Those left behind were destined to a terrible death. The next morning, January 23, about sunrise, a band of Indians entered the village, plundered the deserted houses, robbed the wounded and finally set fire to the town, driving back into the flames the unfortunates who attempted to escape. Under a guard of Indians, the survivors set out for Malden; but any whose strength failed were at once tomahawked and scalped. This was the end of six months of immense effort. Ten thousand men had been collected; unlimited financial resources had been placed at Harrison's command, yet the greatest result was Fort Meigs at Maumee Rapids, which the commander could not defend and dared not abandon, and a raid in which, out of a thousand men, hardly thirty escaped. The prisoners are massacred

As soon as Harrison heard of Winchester's defeat he fell back to the Maumee, and eventually to the Portage River, abandoning wholly the attack upon Malden. Harrison's standing in the West was not affected by this disaster, though his failure had been but a shade less conspicuous than those of Dearborn, Smyth, and Hull. Harrison abandons the attack on Malden

1813

About the middle of March, Harrison went southward to collect reinforcements, leaving only a small garrison at Fort Meigs. April 28, Proctor invaded Ohio with about 2000 troops, including 1200 Indians under Tecumthe, and a long train of artillery. For four days Fort Meigs was subjected to a bombardment from both sides of the river, when an attempt was made to raise the siege by simultaneous attacks upon the British batteries, to be made by a force of 1200 Kentucky militia under General Clay, and by a sortie from the fort itself. Clay's men surprised the batteries on the north side of the river; but, instead of spiking the guns and retreating, they remained on the ground, engaged with a small party of Indians until they were surprised by Proctor and more than 600 of them were made prisoners of war. Meanwhile the sortie from the fort had been successful, and Proctor returned to Malden, while Harrison went south in search of reinforcements.

Fort Meigs besieged

These reverses on land were in some measure redeemed by new victories at sea, though American naval prestige suffered severely in the summer of 1813.

The navy in 1813

In October of 1812, the *Constitution* and *Hornet* left Boston harbor for a cruise in southern waters. At the Brazilian port of San Salvador, a British sloop-of-war, the *Bonne Citoyenne,* was found with a cargo of specie amounting to more than two million dollars. Leaving the *Hornet* to blockade the English vessel, the *Constitution* sailed down the coast of Brazil, and, December

29, as has been related, captured the *Java* after a severe fight in which the *Constitution* suffered considerable injury. 1813

Meanwhile the *Hornet* failed to entice the commander of the *Bonne Citoyenne* to a fight outside the harbor, and was finally driven away by the *Montague,* a British seventy-four. Steering her course northward, the *Hornet* met the British sloop-of-war *Peacock* near the mouth of the Demarara River. Fifteen minutes after the fight began, the *Peacock's* colors were struck and she soon afterward went to the bottom, carrying with her many of her own wounded and three of the *Hornet's* crew. The "Hornet" and "Peacock"

In June the country was startled by the news that the ill-fated *Chesapeake* had been captured by the British frigate *Shannon.* Ever since the day when the *Leopard* fired on the *Chesapeake,* she had been considered an unlucky ship. Her last cruise had been unsuccessful and many of her sailors had taken service in other vessels. Her present crew was made up largely of British and Portuguese, unaccustomed to the ship or its officers. The late commander of the *Hornet,* James Lawrence, had been promoted to the *Chesapeake,* and was then fitting out the ship in Boston harbor. The loss of the "Chesapeake"

Meanwhile two British frigates were watching the coast; one of them the *Shannon,* whose captain, Philip Broke, issued a formal challenge to Lawrence to meet him in any latitude or longitude he chose. Lawrence failed to receive this letter, and, taking the reappearance of the *Shannon* off the

1813

harbor as an immediate challenge, sailed with an incomplete equipment and a dissatisfied crew to accept it. Both vessels left the harbor while the anxious and expectant people crowded the housetops and hills to see the battle. About five o'clock on the afternoon of June 1, Lawrence came up with the *Shannon* and a furious fight began. The steering gear of the *Chesapeake* was injured, her sails became useless, she fell foul of the forechains of the *Shannon,* and was exposed to a fire which raked her deck from stem to stern. While in this position, Captain Broke prepared to board, while Lawrence, who had just received a second and mortal wound, was carried below, calling to the men on deck: "Don't give up the ship!" "Keep the guns going!" "Fight her till she sinks!"

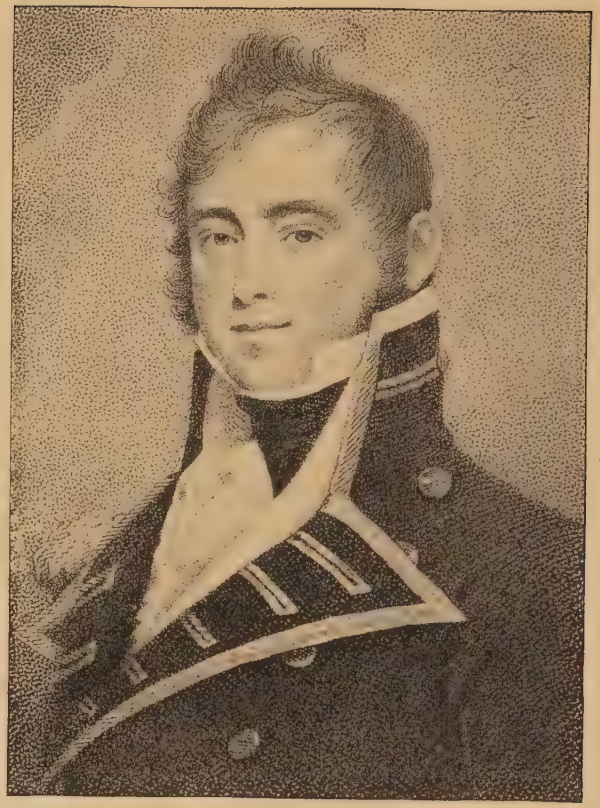
The death of Lawrence

The few men surviving made a desperate effort to obey. The vessels had now drifted apart, and for a moment it seemed that Broke and his men might be overcome; but many of the foreign sailors had gone below, the *Chesapeake's* fire slackened, her flag was hauled down by the English sailors, and for the second time she became a British prize. The *Shannon* at once sailed for Halifax with the wounded. Lawrence and Ludlow, his second in command, died on the voyage, and, when land was reached, they were buried by their captors with all the honors of war. Later their bodies were removed to the United States.

The "Chesapeake" again a British prize

England received the news of the victory with extravagant rejoicings. Except for the inexperienced crew and incomplete staff of the *Chesapeake,*

DAVID PORTER.



JAMES LAWRENCE.

the vessels were well matched, and the victory encouraged England to believe that her sailors had not forgotten how to fight, and that the Americans were not invincible. In the United States the loss was regarded as one of the fortunes of war. Lawrence was deeply mourned and his last words became a battle-cry for the remainder of the war. 1813

Another loss was that of the *Argus*, which had taken to Europe William H. Crawford, the newly appointed minister to France. This errand completed, she had cruised in the Irish Sea, where twenty-seven merchantmen were captured and burned in a single month. The British navy was soon on the alert, and, on the morning of August 14, the *Pelican* engaged the *Argus* and captured her after a sharp battle of only forty minutes. These were the last important engagements on the high seas. The navy of the United States was too small, the British blockade too complete, to make further victories possible. The "Pelican" and the "Argus"

One of the most remarkable naval exploits of the war was the cruise of Captain David Porter in the *Essex,* which left the Capes of Delaware October 28, 1812. Taking the first prize near Fernando de Noronha, Porter doubled Cape Horn in the following March in a series of gales which threatened to send the *Essex* to the bottom. Supplies were taken at the Island of Mocha, and soon afterward Porter reached Valparaiso, where he learned that Chile had revolted from Spain and was, therefore, disposed to friendship for the United States. After leaving Valparaiso, Porter Porter and the "Essex"

1813

turned his attention to the British whalers in the Pacific, and in five months made twelve captures, turning some of the prizes into cruisers, until he had a fleet of seven sail.

The winter of 1813 was spent in the Marquesas Islands in collecting supplies and making repairs. Near the end of winter Porter sailed for Valparaiso, where he learned that British cruisers were looking for him. February 8, the British vessels *Phœbe* and *Cherub* entered the harbor, but, finding Porter on the alert, blockaded the bay to prevent his escape. The *Essex* attempted to run the blockade in a heavy gale which damaged the rigging and forced Porter into a small harbor on the coast. Here he was attacked by both British vessels and after a fierce fight of two hours was forced to surrender.

The "Essex" surrenders to superior force

Ever since the beginning of the war the lack of vigor and even competence in the administration, and the necessity for changes, had been apparent. Eustis and Hamilton resigned the portfolios of the war and navy respectively, the former going to General John Armstrong, recently minister to France, the latter to William Jones, a merchant, shipmaster, and politician in Philadelphia. From this time the character of the war changes. The British blockade is made more strict, the campaigns are conducted by the American armies with more vigor and not without some successes, and brilliant victories are won upon the Lakes.

Change in the character of the war

CHAPTER LXVI.

THE END OF THE WAR OF 1812

1813

With the division of the country into military districts by the new Secretary, Armstrong, and with the failure of Harrison's campaign in the West, came a change of plans in the management of the war. Harrison was ordered to defend the line of the Maumee, but to act nowhere upon the offensive until the fleet, then being constructed upon Lake Erie, should be completed. The sole outlying defense of Harrison's supplies on the Sandusky was the partially completed stockade called Fort Stephenson, garrisoned by a hundred and fifty men commanded by a young Kentuckian, George Croghan by name.

Plans for the West

Meanwhile, General Proctor at Malden had a large number of Indian allies depending upon him for subsistence. Their usefulness was doubtful, but the British government had sought their services and could not abandon them without a risk of their joining the enemy. Canada could not provide for them, however, and Proctor was notified that he must get his supplies from the American side. Accordingly the invasion was begun and, August 1, Proctor was at the mouth of the Sandusky River, not more than thirty-five miles from Harrison's depots.

1813

Harrison ordered Major Croghan to fall back to assist in the defense of the upper Sandusky, but met with a prompt refusal. "We have determined to maintain this place, and, by Heaven, we will," was Croghan's answer; and while Harrison was ten miles in the rear, Croghan sustained an attack of two hours from all of Proctor's forces, beating them off with great loss. That night Proctor slipped quietly away to Malden.

During this engagement Harrison had been waiting anxiously at Seneca, hearing the sound of Croghan's guns, but making no effort to go to his support. The honor, therefore, belonged solely to Croghan, and his defense became famous in the western country. His name was on every tongue, while Kentucky rang with his praises. With Proctor again at Malden, the time had come to carry out Armstrong's plan of a naval attack, supported by the army.

Croghan the popular hero

It was near the close of the year 1812, that a young lieutenant in the navy, Oliver Hazard Perry, offered his services for duty on the Lakes, for the gunboats in Newport Harbor offered few possibilities to a man of his vigor and activity. Commodore Chauncey, who commanded on Erie and Ontario, received Perry's offer gladly, and, meeting Perry at Albany, the two journeyed together through the winter snows to Sackett's Harbor, which was then the most important point on the Lakes. Leaving Sackett's Harbor about the middle of March, Perry reached Buffalo the 24th, and three days later was in Erie, where he found three

Perry creates a fleet

nearly finished gunboats and the beginnings of two brigs. No one had thought of defending the shipyard, and the wonder is that the British had not surprised and burned the unfinished ships. With Perry's arrival all was changed. The men of the town were organized into a guard; a messenger was sent to Buffalo to order cannon, powder, sailcloth, and, above all, sailors and shipwrights. 1813

The work of construction went on rapidly. The frames of the vessels were made of black oak and chestnut; the planking was of oak; the decks were of pine. Frequently the timber standing in the forest in the morning, was in place in the ships before night. So much was accomplished that the gunboats were launched May 3, and the brigs twenty days later. Meanwhile, Chauncey had planned an attack on Fort George; and Perry, who was above all things anxious to see some fighting, enlisted in that expedition as a volunteer. The British forces were driven from Niagara, and Perry was able to release the vessels that had been imprisoned at Black Rock, and add them to his little fleet. Off Buffalo was a British squadron, but Perry managed to elude it, and June 18 had his ships safe in the harbor at Erie. Building the vessels

The vessels were all ready by July 10, and for the next twenty days Perry dispatched letters and messengers in every direction in search of sailors to man them. By the 1st of August the forces were sufficient to allow him to act, but his next task was to get his ships over the bar which impeded the entrance to the harbor of Erie. On

1813

Monday, August 2, the gunboats passed the bar safely and were ordered to protect the brigs. It was necessary to lift these over by "camels" or large scows, which were placed under the ships' sides, then alternately filled with water and emptied, raising the vessels in the process. All day long, August 3, the ships' crews labored with the flagship the *Lawrence,* which was at last, August 4, lifted over the bar. The *Niagara* was floated over easily the next day; by August 12 reinforcements had been received and the fleet was on its way to find the British.

The ships floated over the bar

In the mean time, Captain R. H. Barclay, of the Royal Navy, had been sent to take command on Lake Erie. He had been in the battle of Trafalgar, where he had been severely wounded. Barclay was a young man and a worthy match for Perry. The British were building a brig, the *Detroit,* for which Barclay secured a crew from the British regulars and Canadian militia; and, September 9, the British fleet sailed for Put-in Bay, where Perry's vessels lay at anchor.

The American squadron consisted of nine vessels: the two brigs, the *Lawrence* and *Niagara,* carrying twenty guns each; the schooners, *Tigress, Porcupine, Somers, Scorpion,* and *Ariel,* each of ten guns; the *Caledonia,* a three-gun brig, and a one-gun sloop. Opposed to these vessels were the *Detroit* of nineteen guns; the *Queen Charlotte* of seventeen; the *Lady Prevost* of thirteen; the *Hunter* of ten; the *Little Belt* of three, and the *Chippeway* armed with one gun. In all respects,

The two fleets

O H Perry

except perhaps in range, the Americans had the advantage. In numbers the crews were about the same, Perry's forces being increased by a hundred men from Harrison's camp. 1813 Sept. 10

It was a few minutes before noon, September 10, when Perry's fleet bore down upon the enemy. In the van, supported by two gunboats and the *Caledonia,* was the *Lawrence,* flying from her masthead a blue flag upon which were the words, "Don't give up the ship." On the British side the arrangement was similar, the *Detroit* leading, supported by the *Chippeway,* the *Hunter,* and the *Queen Charlotte.* Perry's orders were to engage in close action, and for an hour the fleets approached each other in silence until a bugle on the *Detroit* gave the signal for the engagement to begin. Line of battle

Barclay opened at long range, but Perry sailed on into the center of the British fleet, where he became engaged with the four vessels under Barclay's immediate command. The *Detroit* and *Queen Charlotte* suffered greatly, the *Lawrence* was a wreck; the men on deck were disabled one by one until more than four-fifths of the crew were dead or wounded. Perry, himself, helped to fire the last gun, then, with his little brother, entered a boat and rowed for the *Niagara,* which had not been engaged, and was practically uninjured. On the way a broadside was aimed at his boat, sailors from three vessels fired at him with their muskets, but he escaped, and a few minutes before three o'clock took command of the *Niagara.* Meanwhile The crisis

1813 Sept. the *Lawrence* lowered her flag, but was retaken almost at once.

Upon reaching the *Niagara,* Perry signaled for close action. With the *Niagara* he cut through the British lines, raking the vessels as he went. It was not long until the *Queen Charlotte* surrendered; the *Detroit,* entirely disabled and unmanageable, was the next, and was soon followed by the other vessels of the British fleet. It was fifteen minutes before three when Perry reached the *Niagara;* at four he sent this dispatch to General Harrison: "We have met the enemy and they are ours; two ships, two brigs, one schooner and one sloop."

The victory

The immediate results of Perry's victory were the recovery of Detroit; the control of the western Lakes; the removal of part of the terrible fear of Indian attacks upon the northwestern settlements. Perry, himself, became the popular hero, placed by his enthusiastic admirers with Hull, Bainbridge, and Decatur. Moreover, Perry had won the first victory over an English fleet, and this victory had been due, in a large measure, to the individual energy, courage, and ability of the commander.

Effect in upper Canada

Perry's victory had removed all danger of interference on Lake Erie, and Harrison's way was open to Malden and Detroit. According to the estimates of the Secretary of War, Harrison should have had seven regiments or 7000 men, but not more than 2500 enlisted. Governor Shelby of Kentucky came with an equal number, and there

U. S. Brig "Niagara" off the Western
Sister Head of Lake Erie, Sept. 10th. 1813
4 P M.

Sir

I has pleased the Almighty to give to the arms
of the United States a signal victory over their enemies
on this Lake — The British Squadron consisting of
two Ships, two Brigs, one Schooner & one Sloop
have this moment surrendered to the force under
my command, after a sharp conflict.

I have the honor to be
Sir
Very Respectfully
Your Obd. Servt.
O. H. Perry

The Hon.ble William Jones
Secretary of the Navy

PERRY'S ANNOUNCEMENT OF HIS VICTORY TO THE NAVY DEPARTMENT.

was speedily added the most efficient regiment in the service, Richard M. Johnson's mounted riflemen, who spread terror far and wide among the Indians. Johnson's regiment was now ordered to march on Detroit, while Harrison, embarking his men, landed, September 27, on the Canadian shore three miles below Malden. 1813 Oct. 5

It was impossible for Proctor to retain either Malden or Detroit. His forces consisted of about 800 regulars and militia, with 3000 Indians who could be depended upon only when there was a chance of victory. Proctor announced to his savage allies his purpose to abandon Detroit and Malden, and, disregarding their earnest protests, persisted in his plan. Three days before Harrison landed, the evacuation was completed; the British forces falling back to Sandwich. Johnson crossed the Detroit River October 1, and with Harrison's forces marched upon the British who were at (Dover) Dolson's, some fifty miles from Sandwich. Meanwhile, Proctor had started on a reconnoissance to the Moravian town and was then twenty-six miles from his army. The British retreat

The American advance found the British at Dolson's October 3, and followed them to a little town named Chatham and then to the north bank of the Thames River, where Proctor determined to make a stand. Here about two o'clock in the afternoon of October 5, Harrison found them drawn up in two lines, with the left resting upon the river and on the right a swamp where the Indian allies were massed. The battle line was formed at once, Harrison follows to the Thames

1813 Oct. 5

but before the engagement could begin, the order was broken and Colonel R. M. Johnson asked permission to charge the enemy with his Kentucky cavalrymen, who were eager to avenge the disaster of the River Raisin.

A road ran perpendicular to the British line of battle, and in this road, as a defense, was posted a six-pounder supported by the Forty-first Regiment of British regulars, numbering that day about 360 men. Johnson divided the regiment, ordering his brother James Johnson to attack the British forces and capture the cannon, while he crossed the swamp to drive out the Indians. The first division charged right through the first line of the British and reached the second, when most of the enemy surrendered, while Proctor himself barely missed capture. R. M. Johnson with his command penetrated the swamps until they were stopped by the thick underbrush and forced to dismount. For a few moments the fighting was desperate. Johnson was wounded and owed his life to the dextrous use of his pistol. The Indians gave way, and in their retreat encountered the Kentucky militia under Governor Shelby, who speedily put them to flight. The fight was now over and among the dead on the battlefield was Tecumthe, slain, it was said, by Johnson's own hand. The entire battle had been fought and won by Johnson's men. The losses on both sides were small, the Americans having fifteen killed and thirty-five wounded, the British twelve killed and about forty wounded. Proctor began a rapid

Deeds of Johnson's Kentuckians

Tecumthe slain

retreat to Ancaster, a hundred miles away; Harrison returned to Sandwich, where the Kentucky volunteers were disbanded and were soon on their way homeward. The Indian confederacy in the Northwest dissolved of itself, and the entire country north of the Maumee was guarded by only two brigades of the regular army. 1812

The story of the occupation of Amelia Island on the Spanish border has already been related. It was still held by the United States in 1812, and was expected to become a base from which to seize the Floridas. In October, 1812, the Secretary of War called upon Governor Blount of Tennessee to furnish militia for the defense of the western country. Andrew Jackson, then major-general of the militia, soon had two thousand men on foot. They were, he said, men who went at the call of the country to execute the will of the government; they had no constitutional scruples; and, if the government ordered, they would rejoice at the opportunity of placing the American eagle on the ramparts of Mobile, Pensacola, and Fort St. Augustine. Setting out from Nashville early in January, 1813, they reached Natchez by the middle of the following month, where Jackson received a note from the War Department informing him that there was then no reason for marching to New Orleans and directing him to disband his troops.

Jackson proposes to seize the Floridas

Jackson did not know that the proposal to seize the Floridas had been introduced in the Senate, where all that part of the plan which referred to

1813

the territory east of the Perdido had been disapproved, and the President had been directed to limit his conquests to Mobile. Jackson refused to desert his men, and marched them back to Tennessee, becoming personally responsible for their rations and pay. Then, in genuine Jacksonian fashion, he expressed his opinion of the government and received from the Secretary of War the thanks of the administration for what his command would have done had the Senate been more favorable. Although East Florida was abandoned in May, orders were sent to Wilkinson to take possession of the territory to the Perdido. Forces were soon collected, and, April 15, Wilkinson received the surrender of Fort Charlotte at Mobile and prepared to erect fortifications to defend the new conquests. This was the sole territory gained by the war of 1812.

West Florida occupied

Meanwhile, the southern Indians had broken out in open warfare, encouraged and animated by the far-reaching influence of Tecumthe and his brother. After the interview with Harrison at Vincennes in July, 1811, Tecumthe made a journey to the south, visited the Chickasaws and Choctaws and attended a great council of the Creeks at Tuckaubatchee on the Tallapoosa River. There the visitors sang the songs and danced the dance of the Indians of the Lakes, repeated the sentiments that had been expressed in the councils of the northern tribes inculcating the idea of a union which should preserve to the Indian some portion of the fast-vanishing hunting-grounds. After

Uprising among the southern Indians

Tecumthe's departure, a swarm of medicine men and prophets gathered among the Alabamas, and the young men of the Creeks, unknown to the whites and perhaps to the elders of their tribes, practiced the magic, sang the songs and danced the dances taught them by Tecumthe. 1813

Perhaps with all this excitement an outbreak might have been prevented but for a characteristic exploit of a few young warriors who were sent, in 1812, on a mission to the Chickasaws. After Little Warrior, their leader, had delivered his message, the band of seven went north and joined Tecumthe and were present at the tragedy of the River Raisin. With talks from the British and encouragement from the northern tribes, they started home. About seven miles above the mouth of the Ohio, they came upon a pioneer settlement, and destroyed it completely, murdering all of the inhabitants. Little Warrior and his companions reached the upper Creek villages in March, where, March 25, a great council was held in which the general talk was for peace. That same day a letter reached the Creeks, telling the story of the murders on the Ohio and demanding the murderers. Little Warrior in the North

The guilty parties had escaped in the mean time, but their execution was decided upon in the council; warriors were sent out to enforce the sentence, and one after another the natives who had formed Little Warrior's party were killed. For some time longer the older chiefs were able to keep the peace, but the Alabama Indians were active, and a messenger sent to them from the upper Creek Indian discipline

1813 towns was killed because he had taken part in the execution of Little Warrior and his band. This incident was the signal for a general outbreak. Most of the Creeks declared for war and soon two thousand hostile Indians spread over the country, devastating farms, killing cattle, and driving away the people.

After the death of Little Warrior, a half-breed, Peter McQueen, became the leader of the hostile Creeks, and in July visited Pensacola hoping to obtain assistance from the Spanish governor. On the return McQueen and his party were attacked at Burnt Corn, eighty miles from Pensacola. Though defeated at first, they rallied quickly and dispersed their assailants, and soon afterward McQueen with a thousand warriors set out upon the trail of the leaders of the Burnt Corn fight.

Pursuit of the hostile Creeks

Two of them were reported to be at Fort Mims, a stockade on the Alabama River about thirty miles from Mobile, where the settlers from the Tensaw country had taken refuge and had selected as their leader Dixon Baily, a half-breed who was McQueen's assailant at Burnt Corn. Twice the garrison at Fort Mims were warned of the approach of the Indians, twice scouts were sent out who failed to discover signs of the invaders when there were nearly a thousand almost within gunshot of the fort. After the manner of frontiersmen, when the enemy was not actually in sight the garrison became careless, and gave the savages an opportunity for a successful attack, which was made August 30, at noon.

1813

Just as the drums beat for dinner the Red Sticks, led by the gaily painted prophets flourishing their medicine bags and droning their incantations, rushed down upon the fort. There were no guards at the gates; one of them would not close; the warriors swarmed over the fort, and of the five hundred and fifty people within the stockade not more than thirty escaped, and of these half were negroes whose lives were spared. Two hundred and fifty scalps were carried on poles in the savage dances, and encouraged by this success the Indians began to devastate the country, from which the settlers fled in terror to the forts in Mississippi Territory.

The fort is surprised

Before the massacre at Fort Mims, urgent appeals for assistance had been made. Four detachments were now organized which were to invade the Creek territory from four different points: from Nashville, from East Tennessee, from Georgia, and from Mississippi Territory. Moreover, the Creeks of the lower towns, with the Cherokees and Choctaws, had been opposed to the outbreak and promised to aid in the campaign against the Red Sticks. As in the north, the chief defense of the Indians was in the nature of the country, which provided of itself few means of subsistence and prevented the transportation of supplies except at an immense cost of time and money.

Campaign against the Indians

The force from Nashville was the first to take the field. It was commanded by Andrew Jackson, and enrolled in it was a young ensign, Samuel Houston, and a backwoodsman, David Crockett.

1813

In October, Jackson reached the Coosa River and built an encampment which he called Fort Strother, opposite the mouth of the Talishatchee Creek. October 28, a small Indian town was surprised and all the inhabitants captured; ten days later the village of Talishatchee was attacked, two hundred warriors killed and eighty women and children made prisoners. The friendly town of Talledega, which the Red Sticks were besieging, was relieved, but Jackson's success was now terminated by the failure of his supplies and by the refusal of his men to serve after the term of their enlistment had expired.

Destruction of the Indian towns

The men of East Tennessee, under General Cocke, left Knoxville in October, and in due time reached the Coosa River, about sixty miles above Jackson's position. In November, Cocke sent a detachment into the territory of the Hillabee Indians, who had already promised to submit to Jackson in return for his protection, and burned four towns, killing sixty-one warriors and making prisoners of the women and children.

The East Tennessee troops

General John Floyd commanded the Georgia militia, a thousand strong, with four hundred Creek allies. About twenty miles from the junction of the Coosa and Tallapoosa Rivers was the sacred town of the Indians, the village of Antosee, founded with magic rites and thought to be impregnable by its savage occupants. The Georgia militia soon burned it, and the bodies of two hundred slain natives testified to their faith in the statements of their prophets.

The Georgia militia

1813

The last body in the field was the contingent from Mississippi Territory commanded by Governor Claiborne. December 22, the sacred town of the Alabamas, Holy Ground, was reached. The troops attacked it, and it was not long until the defenders fled, leaving thirty of their number dead. This battle ended the Indian war of 1813. The largest number of warriors which the Indians could put into the field was 4000, and of these perhaps 1000 had been killed. The centre of the disturbances, the towns down in the valley, had not been reached, and few of the active leaders in the war had been killed or captured.

Raids along the Virginia coast

Serious as were the reverses of the year 1813, they might have been endured had the seacoast been free from attack. Early in February, a British fleet, commanded by Sir John Borlase Warren, appeared off the Virginia coast, and blockaded Chesapeake and Delaware Bays. A part of Admiral Warren's fleet ranged and raided at leisure along the shores of the Chesapeake. No harbor or coast defenses hindered their movements; there were no fortifications to prevent a march upon Washington at any time. Early in April, a small flotilla sent out under Rear-Admiral Cockburn to ravage the shores of the bay, threw the citizens of Annapolis and Baltimore into a panic, established a camp on an island not far from Havre de Grace, sacked the town, and carried off all movable plunder to their vessels. Moving up the Susquehanna from Havre de Grace, the British destroyed a cannon foundry at Cecil Furnace, pillaged

1813

Fredricktown and Georgetown, and laid heavy contributions upon the countryside.

Vessels blockaded in port

Late in May, the whole coast of the United States except New England was declared to be under a close blockade. Coasting trade was stopped; speculation and high prices were the rule. Moreover, a considerable part of the navy was in the blockaded ports. The *Constellation* lay in Portsmouth navy-yard. The *United States,* attempting to escape from New York harbor by the Sound, was forced into New London, where she was closely watched by Sir Thomas Hardy's fleet.

Gunboats attempt an attack

Norfolk, which guarded the Portsmouth navy-yard and the *Constellation,* was a tempting point of attack, especially after an attempt made by the American gunboats upon the British frigate *Junon.* Before daylight, June 20, the gunboats, fifteen in number, crept out from the harbor and approached the becalmed *Junon,* opening fire as they came. Each one of the boats carried a long twenty-four or thirty-two and in a quiet sea should have been able to make their presence felt; on the contrary, after a bombardment of half an hour, with no visible effect, the wind came up, the water became rough, and the unmanageable gunboats were forced to retreat before the *Junon* and her consort the *Barossa.*

This attack probably hastened the British descent upon Norfolk. The town was well protected by two strong forts commanding the river from opposite sides immediately below the town, and about five miles farther down fifteen or twenty

ANDREW JACKSON.

(From a contemporary picture in the American Portfolio.)

gunboats were moored across the channel. The line of gunboats was strengthened by a battery of seven guns on Craney Island. The attack, directed by Admiral Warren, was to consist of advances by land and sea. The main division, commanded by Major-General Sir Sydney Beckwith, was to attack the battery on Craney Island from the rear, while a body of seven hundred sailors under the command of Captain Pechell was to make the attack in the front.

1813 June

British advance in two divisions

Fortunately for the forces on the Island, the British advance and attack were made in detail. Pechell and his barges got within two hundred yards of the shore, when one of the boats grounded and a bottom of mud four feet deep was reported, which seems to have existed only in the imagination of the sailor who made the sounding. At any rate, Pechell made no attempt to land the men from his barges and presently withdrew. Meanwhile, General Beckwith was doing no better on the land side. He found numerous creeks which impeded his march, since they were too deep to ford and he had no means of ferrying his men across. Without making any serious effort to overcome the difficulty, he ordered his men to the barges and withdrew. On the American side there were no losses; the British reported three killed, sixteen wounded, and sixty-two missing. Of the latter, forty were deserters from Beckwith's detachment.

But accomplish nothing

The little village of Hampton, situated on an arm of the James River, was the next object of

1813 June

attack. It was of no special importance except as the location of a battery, and an encampment of 500 Virginia militiamen. Beckwith and his troops landed near Hampton, June 25, soon routed the militia, and spreading over the country committed with impunity "every horror" long since dropped from civilized warfare. The British officers, ashamed and disgusted, claimed that these outrages were the work of a body of Frenchmen enlisted in British service who were soon dismissed; but, wherever the responsibility rested, there had been no effort to punish the guilty.

Outrages at Hampton

By the beginning of December, the blockade was extended along Long Island Sound. At New London, Decatur was hemmed in by the British fleet. Once or twice he attempted to escape, but he asserted that warning was given as he was passing out of the harbor by burning blue lights as a signal to the enemy. It was the work of the Federalists, said the war party, and for years to be a "Blue Light Federalist" was as serious a charge as membership in the Hartford Convention.

Blue lights in Connecticut

Although merchants soon began to send wagon-loads of goods from Boston to Philadelphia and even to Baltimore, this slow and costly mode of transportation could not take the place of the accustomed coast trade. In May of 1813, flour sold at Boston for $17 a barrel, in August for $11.75; sugar was worth $26.50 a hundredweight at Baltimore and $9 at New Orleans; tea sold for $1.75 a pound in New York and for $3 in Savannah. Every captured vessel that arrived in Boston, or

High prices

every cargo that successfully passed the blockade of the Chesapeake, was enough to cause frantic speculation. Georgia disposed of her cotton through Florida, but elsewhere exports ceased south of New England. There was no market for the products of the South Atlantic or the Middle States. 1813–14 Speculation

On the other hand, domestic manufactures felt a distinct impetus from the blockade. The profits were sometimes as great as those of privateering or blockade-running. Manufactures of woolen and cotton increased in the Middle States and especially in New England, where the other sections of the country, unable to dispose of their products, were forced to buy. While the national revenue was, in general, decreasing, the customs receipts from the open New England ports showed a steady growth. Increase of manufactures

Canadian markets felt to some extent the pressure of the war. However, smuggling flourished all along the border, and a system of British licenses which enabled ships to pass the blockade assisted in the evasion of the laws. By mid-summer of 1814, Sir George Prevost was able to inform Lord Bathurst that "two-thirds of the army in Canada are at this moment eating beef provided by American contractors from the States of Vermont and New York." Smuggling

When Congress met, December 6, 1813, the outlook was still discouraging. The blockade and consequent loss of national income was a serious fact, but the disaffection of the New England

1813-14

States was graver and more serious. Scarcely a month before Congress met, Governor Chittenden of Vermont had ordered a brigade of Vermont militia, then in the command of an officer of the United States, to return to the State. The militia had refused, but the incident was not encouraging.

The President's annual message

The annual message contained no important communications, but a confidential message two days later recommended an embargo on exports, and the absolute prohibition of imports from Great Britain, with adequate penalties for the violation of the law, for collusive captures by the enemy or ransoms from them. "To shorten as much as possible the duration of the war," said the President, "it is indispensable that the enemy should feel all the pressure that can be given to it, and the restraints having that tendency will be borne with greater cheerfulness by all good citizens, as restraints will affect those most who are most ready to sacrifice the interests of their country in pursuit of their own." Clearly, Great Britain could be affected but little, but the allusion to New England was unmistakable. Congress at once convened in secret session to discuss the President's message.

A new embargo

Bills were prepared by both Houses; little time was given for discussion, and, in spite of Federalistic protests, a stringent law was adopted.

A fortnight after the embargo became a law, the British schooner *Bramble* sailed into Annapolis, bearing, under a flag of truce, an offer from the British government to negotiate a peace directly at Gothenburg or London. The same vessel

1813

Events in Europe

brought, also, the European newspapers of a late date describing the battle at Leipzig, October 18, and Napoleon's overwhelming defeat. The "Continental System" was now at an end; all Europe, except France, was open to British commerce. Federal New England rejoiced in the overthrow of Napoleon and could not sufficiently express reverential admiration for the generosity and magnanimity of Great Britain in offering to treat at all with the United States. Meanwhile, news of the disasters on the northern frontier, of the evacuation of Fort George and the loss of Fort Niagara depressed the courage of the administration. The pressure of the embargo was exasperating New England, and the Federalists were emboldened by British successes to talk of more than passive resistance.

Peace proposal accepted

The administration accepted gladly the offer of the British government. Madison nominated John Quincy Adams, J. A. Bayard, Henry Clay, and Jonathan Russell as members of the peace commission. The President had heard from Gallatin, also, and he became convinced that another head for the Treasury must be found. His first choice was Alexander J. Dallas, whose abilities he had learned to esteem highly. However, the *Aurora* opposed Dallas, and the Pennsylvania Senators, Leib and Lacock, affected to look with contempt upon a mere "Philadelphia lawyer." They were able to defeat the nomination, and Madison offered the position in succession to Langdon Cheves, the Speaker of the House, and to Richard Rush, both

1814

of whom declined. Finally, February 8, Gallatin was nominated again to the peace commission and George W. Campbell to the Treasury, and both nominations were confirmed.

Michael Leib's term as Senator from Pennsylvania was about to expire and there was no possibility of his reëlection. His factious, unreasonable behavior had lost him the support of the leaders of his own party; but against party opposition, the Postmaster-General, Gideon Granger, appointed him to the postmastership of Philadelphia, one of the most lucrative Federal offices. The President was relieved of a troublesome opponent in the Senate, and had opportunity of enforcing party discipline by removing Granger from office.

Cabinet changes

Opposition to the embargo had been accumulating ever since the bill became law. Congress had been obliged to pass an act for the relief of the people of Nantucket, and, January 14, Rufus King introduced resolutions in the Senate, declaring the prohibition of the coasting trade unconstitutional, and calling for a repeal of the law. These resolutions were not carried, but Congress felt no enthusiasm for commercial restrictions. From the Federalist side of the House there were motions for the modification, suspension, or repeal of the embargo, but the majority would not assume the responsibility for decisive action.

New England opposes the embargo

Influenced by the situation in Europe, Madison sent to Congress, March 31, a message in which he recommended the repeal of the whole system of commercial restrictions, prohibiting only the

1814

export of specie and continuing, for purposes of revenue, the war taxes for two years after the signing of a treaty of peace. The message was referred to the Committee on Foreign Relations, and the chairman, Calhoun, reported two bills, one repealing the embargo and non-intercourse laws, the other prohibiting specie exports. Calhoun had never been an enthusiastic champion of restriction, but he made no direct attack upon it, urging, as a reason for the repeal, that circumstances had changed and that European countries could no longer be affected by these laws. The same moderation was not to be expected from the Federalists. Webster voiced their "temperate and moderate exultation" over the defeat of the detested policy, and pointed out that the circumstances of the repeal indicated that restriction had always been adjunct to Napoleon's "Continental System." Some protests were made against absolute repeal, because of the injury to manufactures; some regrets were expressed by the few who still believed in the theory of restriction, but neither protests nor regrets could stop the bill, which, April 14, received the signature of the President.

Debate upon restrictive measures

Another matter demanding immediate attention was the condition of the army. Legally established at 38,245 men, the official report of the Secretary of War showed a total of 33,822, but it was a well-known fact that the actual strength was 10,000 less. The long frontier demanded, for adequate defense alone, a force of 100,000 men. In order to fill the ranks, Congress raised

Bills to increase the army

1814

the bounty to enlisted men to $124, and offered commissions to any one procuring an enlistment. Terms of enlistment were increased, three regiments of riflemen were authorized, floating batteries were to be built for coast defense, the militia were placed under the articles of war whenever in the service of the United States, and for the use of the army and navy a sum of two millions was appropriated.

The nation in financial straits

Financial necessities were as pressing as those in the military department. Estimates made in January, 1814, fixed the expenditures for the ensuing year at forty-five millions and receipts at sixteen millions. Of the latter, only about ten millions came from normal sources, the remainder being residues from previous loans and issues of Treasury notes. For the twenty-nine millions required there were no resources visible except in loans or additional notes. The New England banks controlled the specie and New England preferred to invest in British rather than American securities. Neither the acting Secretary nor his successor, Campbell, was capable of devising a plan to meet the emergency, nor did Congress possess the ability lacking in the Cabinet. As a partial solution of the problem, the President was authorized, by an act of March 24, to borrow, on any terms obtainable, twenty-five millions, to which were to be added five millions in Treasury notes. A national bank was proposed as a means of assisting the Treasury to meet the financial difficulties, and the Committee on Ways and Means prepared a bill,

SACKETT'S HARBOR.

but Congress postponed it indefinitely, apparently fearing the responsibility. Before the adjournment of Congress, April 18, the Yazoo claims were brought up again and this time were ordered to be settled. 1813

Monroe's suggestion that the United States be divided into military districts had been approved and adopted by Armstrong as soon as he became the head of the War Department. His plans, as developed, provided for a force of 4000 men at Sackett's Harbor and 3000 at Niagara. Those at Sackett's Harbor were to cross the Lake to take Kingston, and proceed to York, and finally to join the forces at Buffalo for an attack upon the British positions at Niagara. Dearborn, by some strange blunder, overestimated the British forces at Kingston, and supported by Chauncey, who commanded on the Lakes, proposed to change the plan of the campaign, beginning by an attack on Niagara by way of York. Plans to take York and Niagara

The fleet commanded by Chauncey was composed of the sloops *Madison* and *Oneida* and eleven armed schooners. In these 1600 men were embarked, April 22, and five days after were landed on the beach at York. Only 800 men defended the town, though it was a naval station and headquarters of General Sheaffe. A brigade under General Pike began the assault, drove away the British garrison, made a prize of a ten-gun brig which they loaded with supplies, and took 300 prisoners. The public buildings were fired and consumed in the disorder following the assault. York captured

1813 Chauncey brought away the Speaker's mace from the Parliament House and forwarded it to the War Department. Although the troops were successful, the victory was dearly bought. York had no value as a permanent conquest; the loss of life was very heavy, General Pike, one of the ablest men in the army, being among the slain. The results of the battle were measured by the supplies captured and these were insignificant.

According to the original plan, the troops were to be sent to Niagara. Owing to the severe storms, the movement was delayed and it was not until May 8 that 1000 sick, disabled, and dispirited men were landed at their destination. These were reinforced from Sackett's Harbor, Oswego, and Buffalo, until nearly 6000 men were collected. A landing was effected, May 27, on the British side in the rear of Fort George, the entire movement being covered by the guns of Chauncey's fleet. General Vincent, the British commander, found that the attacking force outnumbered his own nearly four to one, and after spiking the guns and destroying the ammunition, he escaped without hindrance to Burlington Heights, near the head of the Lake. All the British posts on the Niagara River were abandoned when the fall of Fort George became known.

Line of the Niagara occupied

In the mean time, General Winder had been ordered to follow up the retreating British forces. At Stony Creek, within ten miles of Vincent's camp, General Winder allowed himself to be surprised, and after a loss of 150 men retreated in

disorder to Fort George. June 24, a detachment of the Fourteenth Infantry, sent out from Fort George to capture a frontier post, was surrounded by a force of British regulars, militia, and Indians, in all numbering somewhat less than half the Americans, and forced to surrender. 1813

One unfortunate result of the attack upon Niagara was the removal of part of the troops from Sackett's Harbor, leaving that important post open to the attacks of the enemy. General Provost was at Kingston, and the fleet of Sir James Yeo furnished ample transportation. Eight hundred men were embarked, and, May 27, bore down upon Sackett's Harbor, which was garrisoned by 400 regulars and 250 militia. General Jacob Brown, who was near at hand, hastily collected the local levies and reached the place in time to post the troops effectively in line of battle. The militia fled when Provost landed, but the regulars held their ground and poured in such a galling fire that the British position was untenable and a retreat to the ships followed. The expedition was not entirely without success, for just at the moment of attack, when it seemed that the British might win a victory, the naval lieutenant in charge of the shipyards ordered the shipping, barracks, and store-houses to be burned. British defeated. Shipping burned.

All through the month of June there was skirmishing on the Niagara frontier and a series of minor engagements in which the Americans appeared to the worst advantage. General Dearborn, who had been ill for some time, was greatly

1813

depressed by these repeated failures. Finally Congress interfered, and by the President's direction Dearborn was relieved from active service. Wilkinson and Hampton were sent to the Niagara frontier and General Morgan Lewis was placed in command at Sackett's Harbor.

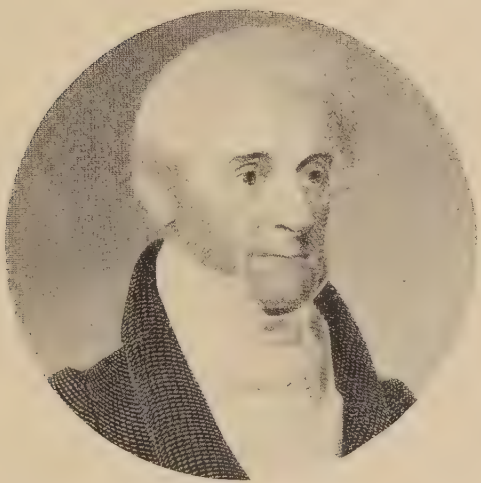
Army intrigues and feuds

The change from Dearborn to Wilkinson promised no relief from the series of reverses. Wilkinson and Armstrong, the Secretary of War, had been intimate in the Revolution. They were members of the little group that opposed Washington, and Armstrong had every reason for wishing to favor Wilkinson, though he realized the dangers from Wilkinson's many faults. The original plan had been for Wilkinson to be Dearborn's second in command, but the retirement of Dearborn now forced to the front the weakest man in the army. Moreover, Armstrong was obliged to appoint Wade Hampton to command at Plattsburg, and between Hampton and Wilkinson there was a long-standing and bitter feud. Hampton expressed his willingness to serve under Dearborn, but it was agreed that all orders to Hampton should come directly from the Secretary of War.

Wilkinson and Hampton

Wilkinson reached Washington on his way northward early in August. From the returns there on file it appeared that the army which he was to command consisted of 15,000 men, but on his arrival at Sackett's Harbor he found a third of the men sick, the army untrained and transports lacking. While at Albany, Wilkinson issued orders to Hampton which the latter refused to obey, and,

GENERAL JAMES WILKINSON.



GENERAL STEPHEN VAN RENSSALAER.

reminding Armstrong of the previous promise, resigned his command. Armstrong assured Hampton again that his orders should come only from the department, and Hampton, for his part, promised loyal service during the movements which were about to begin. 1813

Armstrong's plan of the campaign contemplated an immediate advance on Kingston, but Wilkinson, supported by his officers, decided in favor of Montreal as the objective point. Armstrong, from the first, looked upon the success of the expedition as doubtful, and directed a winter camp to be prepared. Transportation of the troops began October 17, and three days later the main body reached Grenadier Island, near the outlet of the St. Lawrence, which was equally well situated for an attack upon Kingston or Montreal. Here a delay occurred because of the weather, which had scattered some of the boats, and it was not until November 5 that the flotilla got under way and dropped down the river to Ogdensburg. Two days later the army reached the White House, twenty miles below Ogdensburg, where a council of war was held to decide finally upon the question of attacking Montreal.

Differences of opinion

The expedition under way

Meanwhile, the Secretary of War had established his headquarters at Sackett's Harbor in September, partly to direct the campaign himself, partly to keep the peace between Wilkinson and Hampton. When the expedition was well under way, Armstrong prepared to return to Washington after ordering Hampton to join Wilkinson as the

1813 Nov. latter passed down the river. To both commanders it appeared that Armstrong had lost faith in the success of the attack upon Montreal, and wished to place all responsibility upon his subordinates.

As Wilkinson's transports moved down the St. Lawrence they were constantly harassed by the British, until it became necessary to land two brigades on the Canadian bank to repel these attacks. November 10, the head of the Rapids was reached, and before attempting to send the boats through, all the troops were landed and encamped that night at a place known as Chrysler's farm. In the morning, just as the flotilla was about to move down the river, the British formed for an attack and advanced in a column against the American forces. Both Wilkinson and Morgan Lewis, the seniors in command, were disabled from age and illness and were on the boats. Direction of the battle fell upon General Boyd, who was entirely unequal to the task. With three brigades of 2000 men Boyd succeeded in stopping the advance of the enemy's force numbering only 800, but after a slight success was unable to drive them from the field and at last retreated in some disorder. The passage of the rapids had been made in safety, however, and Boyd's brigades had protected the movement successfully.

Battle at Chrysler's farm

While Wilkinson prepared his expedition and moved down the St. Lawrence toward Montreal, Hampton had been conducting a campaign of his own from which he expected great results. Not expecting Wilkinson to be so belated, Hampton

had set out from Plattsburg northward, September 19, with 4000 men and ten pieces of artillery. Abandoning the direct road to Montreal because of the lack of water, he marched westward to Chateaugay Four Corners on the Chateaugay River, where he was in a position to cut the British line of communications with Montreal. Here he remained, by order of the Secretary of War, preparing to join Wilkinson's advance when it should appear. In October, Hampton moved down the river to a point about fifteen miles from its mouth, and, October 25, sent a detachment under Colonel Purdy to flank a small British force of about 800, while he himself led the attack in the front.

1814 Sept.

Hampton's advance

But Purdy lost his way, was ambushed, and succeeded in extricating his command only after severe losses. Hampton's attack succeeded no better, for, after a slight resistance, the American troops were recalled, the retreat was begun, and, November 1, Hampton was again encamped at Chateaugay Four Corners. Meanwhile, the season for a successful campaign had closed and both armies went into winter quarters, Hampton at Plattsburg and Wilkinson at French Mills on the Salmon River. Wilkinson and Armstrong united to place the responsibility for the failure upon Hampton, who resigned his commission in the following March.

Defeated at a British outpost

When the troops were moved eastward in support of Wilkinson and Hampton, or to garrison the weakened posts, the frontier from Detroit to Niagara was deprived of the forces necessary for

1813

its defense. At Niagara and at Fort George across the river, there was a small body of militia awaiting anxiously the expiration of the term of enlistment. The War Department made no effort to send men from the winter quarters at French Mills or Plattsburg, so that early in December the entire Niagara frontier was guarded by less than 400 men. Evidently Fort George must be given up, and before evacuation it was partly destroyed. General McClure, the commander of the American forces, had been authorized, earlier in the year, to destroy the village of Newark if the defense of Fort George should require it. Acting upon this authorization, he burned the village, leaving the inhabitants homeless in the bitter cold of December.

Fort George abandoned

The British forces surrounded Fort Niagara, December 19, and captured it, surprising the garrison and bayoneting those who resisted. Then the British and Indians raided, murdered, and burned until not a house was left standing between the mouth of the river and the Falls. McClure failed to guard the stores and supplies at Buffalo. A party of 1500 British and Indians crossed the Niagara River above Grand Island, destroyed the stores, burned Black Rock and Buffalo, and captured three small vessels which had recently served Perry so well in the victory on Lake Erie. The year 1813 closed with gloomy reports from the entire frontier. The chief result achieved was the removal of the old, feeble, and incompetent commanders and the appointment of more efficient successors. Unfortunately, nothing would infuse

The Niagara frontier occupied by the British

FORT NIAGARA, FROM THE BRITISH SIDE.

into the administration, long accustomed to the attitude of peace, an adequate energy and vigor. 1814

Of the new appointments, the first major-general was George Izard of South Carolina, who had been educated especially for the profession of arms in France, Germany, and England; the second was Jacob Brown, whose judgment and zeal were as effective as his technical knowledge was deficient. The six new brigadiers were chosen from the regular army. They were all young men, all of them of respectable ability, and some of brilliant qualities. New appointments

The military events of 1814 began with Jackson's campaign against the Creeks. Hearing that the Indians were preparing to attack Floyd and the Georgia troops, Jackson marched to his assistance, but was attacked upon the way, his command falling back in some confusion to Fort Strother. Here he was attacked again, and but for a single piece of artillery would perhaps have suffered a severe reverse. The Red Sticks descended upon Floyd's camp, January 27, but were repelled after severe fighting. This battle of Calibee Creek was so serious that Floyd's militia hesitated to serve longer, and the entire force fell back to the line of the Chattahoochee River. Jackson and Floyd in the Creek country

Meanwhile, Jackson remained at Fort Strother and was reinforced by a large detachment of Tennessee militia. Of much more value was the Thirty-ninth Regiment of regular infantry, now placed under Jackson's orders and used by him to support attempts to discipline the unruly and fickle Unruly militia

1814

militiamen. Two or three severe examples were sufficient to teach the much-needed lessons, and about the middle of March Jackson moved down the Coosa and constructed a fort, which he garrisoned. The Indians had built, in the Horse Shoe Bend of the Tallapoosa River, a fortification of logs and felled timber enclosing nearly a hundred acres, and in this stronghold about 800 of the Creek warriors, with women and children, had taken refuge.

Indian fort the object of attack

Jackson had "determined to exterminate them," and, sending the militia and friendly Indians to occupy the river-banks across from the fort, he, himself, led the Thirty-ninth Regiment to the attack in front. Some of the Indian allies swam the river and set fire to the wigwams on the bank, while the larger number of the warriors were meeting Jackson's onset. Distracted by the attacks in front and rear, the Creeks fled into the thickets, where they were pursued by the soldiers. All that day and the following morning the slaughter continued; and, when it was over, more than 500 dead bodies bore witness to the thoroughness of the extermination. It is probable that an additional 200 Indians lost their lives in attempting to escape by the river, or died from their wounds. Jackson reported 250 women and children taken prisoners. General Coffee, who commanded the volunteers, makes the number 500. Of the whites, twenty-six men were killed and 106 wounded. The friendly Indians, though few in number, suffered more severely than the whites.

Battle of Horse-shoe Bend

1814

Notwithstanding the slaughter of the battle of Horse Shoe Bend, there were many of the Creek warriors, perhaps a thousand, who were in hiding along the border, and afterward made their way into the Spanish territory to join the other members of their tribe. It was estimated that there were nearly 3000 of the Red Sticks who survived and vowed a war to the death upon the United States.

Creeks escape to Florida

Meanwhile, instructions had been sent from the Secretary of War to General Pinckney, who commanded in the district, to conclude a treaty with the hostile Creeks by which certain concessions of land should be made to the United States. The hostile Indians were now fugitives, and, had they submitted, they would not have possessed either the right or power to give away the lands belonging to the whole Creek Nation. Wetherford, one of the half-breed leaders, gave himself up, as did several others, but not in sufficient numbers to act for their party. The friendly Creeks merited reward rather than punishment, but Jackson, who was entrusted with the business, compelled them to sign the treaty ceding more than half of their territory as indemnity for the cost of the war. The Creek representatives signed the agreement, much against their inclinations, and, August 9, this great tract of land passed into the hands of the government. About the same time, July 22, the Wyandots, Delawares, Miamis, Senecas, and Shawnees met at Dayton, where they confirmed the former treaties, and agreed to fight for the United States, but were

Jackson takes the lands of the friendly Creeks

1814

found so fickle and expensive that they were presently dismissed.

Wilkinson's army, which had remained in winter quarters at French Mills, was ordered, February 1, to Sackett's Harbor and Plattsburg. From Plattsburg, Wilkinson prepared to attack a British outpost occupying La Colle Mill, about four miles from the border. Wilkinson took with him two field-guns with which he hoped to be able to batter down the stone walls of the mill, but after a bombardment of two hours, the building was apparently unharmed, while the besiegers had lost more than 200 men. This was Wilkinson's last public exploit. He demanded a court of inquiry, which acquitted him, but in the reduction of the army in 1815 he was discharged. Before this time he had acquired large estates near the City of Mexico, where he spent the last years of his life.

Wilkinson's failure at La Colle

With Wilkinson awaiting a court of inquiry, Dearborn in command at Boston, Morgan Lewis at New York, and Bloomfield at Philadelphia, there was an opportunity for the young and more recently appointed officers to retrieve some of the failures of their predecessors.

Army changes

General Jacob Brown left the winter quarters at French Mills in February, and proceeded to Niagara, but soon went to Sackett's Harbor, leaving Scott in command at Buffalo. By the most severe exertions Scott drilled and disciplined a body of recruits into efficient soldiers. The Americans already controlled Lake Erie, but, without a corresponding hold on Lake Ontario, they could do

Scott at Buffalo

no more than retain the posts and shipyards in the harbors on the southern shore of the lake, and for these all supplies must be transported by land. The defenseless nature of the Ontario frontier was shown by an attack upon Oswego. 1814

Early in May, Sir James Yeo, with a force of a thousand men, attacked Oswego, which was defended by a garrison of 300 men. A fort at the mouth of the harbor was captured and a quantity of supplies destroyed, though the most important magazines, about twelve miles from Oswego, were untouched. Somewhat later, May 29, the sailors of an American fleet of transports captured some armed boats of the British squadron which had made no effort to cut them off on the way to Oswego. With Lake Ontario in the hands of the British, it was evident that some other route to Canada must be taken, and that of Niagara was chosen, after a delay of two months for the sanction of the Cabinet. Attack upon Oswego

Brown's forces consisted of about 3500 men: two brigades of regular infantry, two companies of dragoons, and five of artillery, with a small number of militia and Indians under the immediate command of Peter B. Porter. The Niagara River was crossed on the night of July 2; Fort Erie, garrisoned by 140 British troops, surrendered the same day, and, July 3, Scott led the advance against the enemy's forces, in position behind the Chippewa River. To attack the enemy it was necessary to throw a bridge across the stream, and while reconnoitering for a proper location, the Brown crosses the Niagara

1814 British commander, Riall, sent his scouts and Indians to interfere with the American movements. Soon Riall crossed with all his forces and attacked Porter's troops, who were outnumbered, and retreated.

Porter's retreat uncovered Scott's position, but opened the way for a vigorous advance on his part, an advance which resulted in the most brilliant victory of the war. The British forces numbered about 1500; Scott had not more than 1300, but these advanced in column across a narrow bridge and formed steadily in line of battle under fire of the enemy. Both sides advanced, but the Americans with flanks thrown forward, in part enveloped the British line, and the centre regiments poured in such deadly volleys that the enemy broke and fled in disorder. The battle had lasted an hour, but the defeat was so complete that the British evacuated all their posts as far as Fort George.

Battle of the Chippewa

General Brown was anxious to follow up this advantage, and appealed to Commodore Chauncey for aid, but, meanwhile, the British had been reinforced, and, crossing the Niagara River, they threatened an attack upon Brown's store of supplies. Hoping to turn aside this movement, Brown sent Scott down the Canadian side of the river, but when about three miles from Chippewa he learned that the British advance under Riall was encamped at Bridgewater, or Lundy's Lane, almost within sight of the Falls. Riall had about 1000 men, and three miles in his rear was Lieutenant-General Drummond marching to reinforce him with 900

Skirmishing for position

BRIG.-GEN'L WINFIELD SCOTT.

effectives, while Colonel Scott could reach them in a few hours with 1500 men.

1814 July 25

Riall had taken position on a slight elevation which permitted him to use his artillery to good advantage, but he was already thinking of retreating when reinforced by Drummond. Scott assailed the front of the enemy's line with characteristic vigor. One of his regiments, commanded by Jessup, worked its way to the rear of the British left and made a number of prisoners, including Riall himself. The attack began about seven o'clock, July 25, and at nine Scott's forces were exhausted and much broken, but the darkness concealed their condition and they were reinforced by Porter's volunteers, Ripley's brigade of regulars and two batteries. At the same time the British line was reinforced until it again outnumbered the Americans.

Battle of Lundy's Lane

The key to the British position was the battery of nine pieces on the crest of the hill. Ripley was to attack the hill in front while Colonel James Miller, with the Twenty-first Regiment, led the advance on the flank. It was now ten o'clock. The night was dark and excessively hot, and many of the men were exhausted. Ripley moved forward with his regiment, but was checked at a distance of 150 yards. Meanwhile, Miller had advanced in silence, protected by the darkness, until he was near the British guns, when the men made a quick charge with the bayonet, and captured the battery. Three times within the next hour and a half did the British line re-form and advance to drive the Americans from the hill. Three times they were driven

The last contest in the darkness

1814

back with heavy losses, and, after a final blaze of fire for half an hour, the British withdrew about midnight from the field.

On the American side, Scott and Brown were wounded and almost all of the regimental officers were injured. About half an hour after midnight, Ripley collected his wounded and started for the camp at Chippewa. Brown had no hopes of recovering the captured cannon that night, and at daybreak the British reoccupied the hill. There was no special strategical value in the position, but the battle had demonstrated that the Americans, if properly trained and led, could fight on land as well as on sea. Moreover, the British officers acquired a much more respectful and favorable opinion of the American as a fighter.

A fruitless victory

Lieutenant-General Drummond did not follow up his advantage immediately. Meanwhile, the Americans were working on the still uncompleted lines of Fort Erie, when, August 3, Drummond sent 600 men to destroy the stores at Black Rock. The invading force was met by 250 American riflemen and completely defeated. August 13, Drummond began the bombardment of Fort Erie; the next morning he attempted a surprise, but one wing of his force was defeated and partly destroyed, while the other, gaining a temporary advantage by the capture of a bastion, was eventually forced to retire because of lack of support. The British loss was very heavy; the total loss on the American side, 84, was another tribute to the rapidly increasing military skill of our officers.

Attack on Fort Erie

1814

New troops in Canada

The battle of Lundy's Lane was fought late in July. About the first of the month following, the British troops, released from the long contest with Napoleon, began to reach Canada in numbers which threatened a speedy occupation of our northern frontier. Fortunately for the United States, transportation of supplies and munitions of war over the long distance from the seaboard diminished the British efficiency more than one-half. Lake Champlain, however, was within striking distance and toward this point the British forces rapidly converged.

Izard ordered from the seat of war

Meanwhile, the Secretary of War, alarmed at the British advance, ordered Izard to fortify the entrance to Lake Champlain; but instead, the American commander collected his troops at Plattsburg, which was protected by Commodore Macdonough's fleet. Here he remained until late in August, when he was ordered to move to Sackett's Harbor, leaving at Plattsburg a force of about 2000 men fit for duty.

Attack on Plattsburg

As Izard, under the direction of Armstrong, was marching from Plattsburg, Prevost was approaching the place with an army composed of not less than 12,000 veteran troops. There was no doubt in the minds of the British of the success of the expedition. They expected Plattsburg to surrender after the first attack. In the navy there was similar confidence, the commander insisting that he could capture the whole of Macdonough's fleet with his flagship alone, yet the British vessels mounted but four guns more than the American fleet, and

1814 Sept. 11

the weight of metal carried was actually less. At long range the British guns were more effective, but this advantage was neutralized by the strength of Macdonough's position.

Position of the land forces

Both Macdonough and Macomb, who commanded the land forces now increased by the militia to almost double the original numbers, secured easily defensible positions. Macomb occupied an entrenched camp behind the Saranac River, where, on a high ridge, he had constructed three redoubts and other field works, flanked by block-houses in which heavy cannon were mounted. Macdonough had posted his fleet well out of range of the shore, so that the British fleet in entering the harbor, was forced within range of the carronades, thus giving the full effect to his armament.

It was not until September 11 that both fleet and army of the enemy were ready to begin the attack. Early in the morning the British vessels came in sight, bearing down into the harbor, and Prevost ordered the soldiers to cross the Saranac and storm the American works. A feint was made in front while a column under General Robinson was directed to ford the river above the American position and to attack it from the rear. Robinson and his officers were unacquainted with the country; they had no reliable guides, and wandered about for the greater part of the day before they found the ford. Meanwhile, the attack in front was postponed until Robinson had reached the position assigned to him, and as the British regulars waited, they heard the shouts and cheers with

T. Macdonough

which the Americans hailed the defeat of the British on the Lake. 1814 Sept. 11

The fleet commanded by Captain George Downie of the Royal Navy consisted of the *Chubb,* the *Linnet,* the *Finch,* and the flagship *Confiance,* which the commander believed could defeat, single-handed, the entire American fleet. In addition to these there were twelve gunboats to meet the four vessels and ten gunboats under Macdonough. The American commander, in the disposition of his ships, displayed a skill unsurpassed in the war. Every probable contingency had been provided for, and this careful preparation won the fight. The four vessels were anchored in line, beginning with the *Preble* near Crab Island. Then came two gunboats, and then, in order, the *Ticonderoga,* three gunboats, the *Saratoga,* two gunboats, and finally the *Eagle,* protected from a flank attack by two gunboats. Plan of the battle

As the British line came within range of the American ships, a heavy fire was opened and continued until the anchorage was reached. The *Finch* in the rear of the line, engaging both the *Preble* and *Ticonderoga,* was soon disabled, and, drifting from her position, went ashore upon Crab Island, where she was captured. Things went no better at the head of the line, for the *Eagle* soon disabled the *Chubb,* so that she was forced to surrender. Elsewhere the battle was going against Macdonough. The British galleys almost surrounded the *Preble* and compelled her to retreat to Crab Island for refuge. On the flagship, the The crisis of the fight

Saratoga, Macdonough was making a gallant fight.

1814 Sept. 11 The first heavy broadside from the *Confiance* had shaken the *Saratoga* from stern to stem and killed many of her crew. Macdonough himself took charge of a gun until he was knocked down and almost disabled. The *Linnet* came to the assistance of the *Confiance*, and the *Saratoga's* broadside was finally silenced. This was the danger for which the commander had so carefully prepared. Slowly winding his ship, he brought the fresh port battery to bear upon the *Confiance* and soon forced her to strike her flag. Fifteen minutes later the *Confiance* was a prize, but most of the gunboats made their escape.

Thus ended what was perhaps the most skillfully fought naval battle of the war. The Americans lost, in killed and wounded, 129 out of crews which numbered approximately eight hundred. Prevost lost no time in retreating, leaving behind him a large part of his supplies, and losing whatever military reputation that he had up to this time retained.

Victory by land and sea

While the Plattsburg campaign was taking place, Major-General Izard was on his way from Lake Champlain to Sackett's Harbor which he reached September 17, and there found a letter from General Brown urging him to come to the assistance of Fort Erie. Embarking his troops on the vessels of Chauncey's fleet, Izard sailed to the Genesee River, where the men were landed and marched to Batavia. Here they learned that Drummond had retreated from Fort Erie and was

1814

then at Chippewa with 2500 men, a disorganized and discouraged army. Had Izard moved at once he might have captured the British force; and he did yield to the entreaties of General Brown, to the extent of invading Canada as far as Chippewa. Chauncey, meanwhile, had retired to Sackett's Harbor, where he was preparing the defenses for his vessels during the winter. When Izard heard of this his courage failed him, and he retreated to a point opposite Black Rock, where he established a winter camp. The opportunity that comes to a man but once in a lifetime had come to Izard and had been rejected. From that time he lost the confidence of the army and resigned from the service.

Izard's mistake

A general blockade had been proclaimed, April 25, 1814, of the entire coast from Eastport, Maine, to New Orleans. The coast of Massachusetts was threatened in June; Eastport was captured by Sir Thomas Hardy, July 14; Moose Island was occupied with the islands in Passamaquoddy Bay for the reason that "they belonged to his Majesty by the treaty of 1783." The inhabitants of the main land were to be free from attack. Nantucket was allowed to bring provisions from the shore upon agreeing to remain neutral for the remainder of the war; and finally, contrary to the British promise, the town of Castine, Maine, was occupied by the enemy.

The blockade

These attacks created the greatest alarm all along the coast. Massachusetts seaports began to transfer their property inland and points that

1814

were exposed were hastily fortified. The people realized that England was now free to turn her immense armament against the United States, and that nothing would serve to protect them except the most extreme exertions. In New York a subscription of $300,000 was asked for; fortifications were begun about Brooklyn and on Harlem Heights, and the militia poured in from the country districts to garrison them. There were similar scenes at Philadelphia and elsewhere along the coast. Men who had looked on supinely as the administration endeavored in vain to fill the ranks of the army, now became panic-stricken as the war seemed about to be brought home to them.

Coast defenses erected

Ever since the beginning of the war, Washington had been unprotected, and to all remonstrances and complaints, the Secretary of War had returned the answer that the militia might be depended upon and that, in any case, Baltimore would be the first point of attack. Early in the summer there were rumors of a descent upon the coast of the Middle States and, in July, Major-General Robert Ross joined Admiral Cochrane at Bermuda, whence they set sail early in August for the mouth of the Chesapeake.

The British in the Chesapeake

In July of 1814, the military district of the Potomac was organized; Brigadier-General William H. Winder was selected to command it. For a month he employed his time in diligent search for proper places to fortify, but not a step had been taken toward construction when the approach of the British fleet was announced.

McGOWAN'S PASS, HARLEM HEIGHTS.

MILL ROCK AND HELL GATE FROM FORT STEVENS, 1814.

1814 August

At first it was uncertain just what direction the invasion would take. Captain Barney, who had charge of the gunboats in the Chesapeake, was now blocked with his fleet in the Patuxent River, but had succeeded in defending himself up to this time with the help of the militia. The British forces might attempt to destroy Barney's fleet, or they might make attacks upon Baltimore or Washington. These doubts were soon set at rest when the fleet ascended the Patuxent to Benedict and landed 4500 troops, who presently moved up the left bank of the river, threatening Barney's fleet in front, and the cities of Annapolis, Baltimore, Alexandria, and Washington.

Point of attack uncertain

The landing was made August 19-20, and as the British column reached Barney's fleet, August 22, the gunboats were blown up, their crews falling back to assist in the defense of the capital. At Upper Marlboro the British army halted, apparently undecided as to the objective point of the campaign. August 23, it was in motion again and moved forward without resistance until, when about ten miles from Washington, a body of American militia was seen occupying a height of land which was soon abandoned. The British army had been marching for five days and this was the first sight of the enemy under arms. For the greater part of the time the columns had moved leisurely through the forest and over ground where a few hundred militiamen, properly entrenched, might have hampered their progress or perhaps turned back the expedition.

Gunboats blown up

1814 August

Everything in Washington was in the utmost confusion. Rumor had raised the British force to 10,000, though it was actually less than the number of militiamen that might have been assembled almost immediately. In fact, Winder had, on Monday, August 22, a body of more than 2000 men collected at a place called the Woodyard, and he allowed the British army to march by his position without an attempt at interference. On the evening of that same day, Monroe informed the President that the enemy was undoubtedly marching on Washington and advised the removal of the government archives, expressing the opinion that the only salvation for the city lay in a battle which would probably take place at Bladensburg, where, August 22, the Baltimore militia made their camp.

Divided views at the capital

General Winder was himself at last convinced that Bladensburg would be the scene of the battle and ordered a retreat to the junction of the roads from Washington to Marlboro and the Woodyard. It was found necessary, however, to take a position still nearer Washington, known as Battalion Old Fields, where the army encamped for the night. Madison and three members of the Cabinet reached Old Fields about twelve o'clock; about three the entire camp was thrown into confusion by a careless sentinel; early in the morning the President reviewed his army of about 3200 men; and, that evening, fearing a flank attack, Winder ordered a retreat to Washington. That night his army camped at the navy-yard in a strongly defended position, leaving the enemy unopposed.

Marching and countermarching

1814 August

The little village of Bladensburg was situated on the east bank of the Eastern Branch of the Potomac. Across the stream, which was here narrow and shallow, Stansbury had taken position with the Maryland militia on a range of hills overlooking the road, and in the road itself two pieces of cannon were posted which commanded the bridge. As the British approached, the American officers, Cabinet members, and civilians united to give advice and issue orders, which added to the hopeless bewilderment. Stansbury had stationed the Maryland troops in what he conceived to be an advantageous position, from which they were moved by Monroe without Stansbury's knowledge. A regiment from Annapolis arrived, with some volunteers from Washington, and were hastily put in line. The last to reach the field were Barney and his sailors, who were too late to take part in the skirmish at Bladensburg, but who did the only real fighting of the day at a point on the district line, about a mile from the town.

Confusion in the ranks

By the time the British reached Bladensburg, the soldiers were almost overcome by the heat of the August day. Ross was much alarmed at the threatening appearance of the American troops, but, fearing that time would add to the number, the column was ordered forward. Colonel Thornton led the Eighty-fifth Regiment across the bridge, but as the men reached the other side they were checked by a fire of artillery which they met by discharging Congreve rockets full in the faces of the Maryland militia. These fled from the field,

The "Bladensburg races"

1814 August

followed by Maryland troops under Pinkney, and were soon joined by the artillery. The entire army was a disorganized mass.

Meanwhile, Barney had brought his guns into position and opened fire as the enemy appeared. Although the British outnumbered Barney's sailors by more than ten to one, they stood their ground more than half an hour, checked the immediate advance in front, and it was not until the onset was made in front, flank, and rear that the position was abandoned. On a near-by height six hundred American militia, who might possibly have turned the tide in Barney's favor, watched the battle until the flank movement began, when they, too, joined the general retreat. By four o'clock all evidences of the existence of an American army disappeared from the British line of march; and, after a rest of two hours, the invading army moved on toward the capital. There were many plans proposed for further resistance, but they were impracticable and ill-timed. The opportunity for a successful stand had passed.

Barney fights gallantly

Throughout the day, the city had been the scene of the utmost confusion. Many of the men were with the militia and the city seemed deserted except when some little group was seen moving to the country with all valuable property packed in wagons. Mrs. Madison showed her coolness and resourcefulness by removing the important executive papers with her plate and valuables. This accomplished, she returned to the city to await the arrival of the President. Madison returned to the

Alarm in Washington

capital about three o'clock, and, with two of the Cabinet officers, spent the night at a Virginia farm-house, while Mrs. Madison returned to Georgetown. 1814 August

It was nearly dark when the British went into camp near the capital. Ross and Cockburn with two hundred men marched into the town; the Capitol was fired; the Americans themeslves applied the torch to the vessels and buildings at the navy-yard. About midnight a messenger sent from the French embassy to ask Ross for protection, found him in the White House, where he was having all the furniture collected in the drawing-room to start the conflagration. The buildings of the War and State Departments were fired and two private houses were burned. A severe storm extinguished the flames, but the next morning, Thursday, August 25, the work of destruction was renewed and completed. Cockburn superintended in person the destruction of the office, types, and presses of the *National Intelligencer,* urging his men to be careful to make way with the C's, that "the rascals" might no longer "abuse his name." Public buildings burned

Thursday night a violent storm passed over the city and again extinguished the fire. Ross began to fear for his communications; and, leaving the city hastily, he was at sunset on Friday again in camp at Marlboro. While the sack of Washington was in progress, the exiled government and frightened militia were moving from place to place and consulting in vain as to the proper course to pursue. Winder did nothing save interfere with the

1814 Aug.–Sept.

plans of men better than himself; Armstrong was hampered by Winder's position as commander of the District, and the President helped to complicate matters by his confusing and contradictory orders.

One reason for the somewhat precipitate departure of Ross had been the failure of the British fleet to support him. Two days after he left Washington, the squadron under Captain Gordon of the *Seahorse* came up the Potomac, and, August 29, received the surrender of Alexandria with twenty-one merchant vessels, and large quantities of flour, tobacco, and cotton. Rodgers, Perry, and Porter, not then in active command upon the sea, annoyed Gordon in his retreat, but were unable to capture any of his ships.

Surrender of Alexandria

After leaving Washington, the British troops embarked and the fleet sailed up Chesapeake Bay toward Baltimore, spreading terror as it advanced. September 11, the British army landed at North Point and the next morning advanced on the city, while the fleet proceeded up the Patapso River to bombard Fort McHenry. The State of Maryland and the city of Baltimore had developed the activity which was so conspicuous a defect in the general government. Nearly 10,000 militia were collected to man the defenses of the city, and a body of about 3000 had been sent forward to North Point, where a skirmish took place in which General Ross was killed.

Army moves on Baltimore

The next day, September 13, the army moved on the city, but hesitated to attack the formidable

works by which it was defended. Meanwhile, the fleet had begun the bombardment of Fort McHenry, September 12; all day the firing continued, but by midnight Admiral Cochran realized that he could not reduce the fort, and the army made preparations to embark at once. The next morning, the flag which furnished Key the subject for the "Star-spangled Banner," still waved in its place, and that night the British fleet and army withdrew from Baltimore.

1814

Defense of Fort McHenry

Upon leaving the United States, the British forces withdrew to Jamaica, where they were to be greatly reinforced for an invasion of Louisiana. After the death of Ross in the attack upon Baltimore, Sir Edward Pakenham, Wellington's brother-in-law and one of his most trusted generals, was given command of the expedition, the real object of which was to occupy territory which might be claimed by Great Britain when peace was made. It was thought possible, also, to hold the mouths of the Mississippi, to intrigue with the foreign inhabitants of the southern States, and perhaps to secure the transfer of Louisiana to Spain.

British troops withdraw

Meanwhile, Major-General Jackson had taken the place made vacant by Harrison's resignation and had assumed command in the southern department. The Creek treaty was signed, August 14, at Fort Jackson, and the commander began to press the War Department for orders to advance against the Spanish posts, which he considered as so many cities of refuge for hostile Indians, for runaway

1814

slaves, and as points of support for British attacks. That his opinions were well founded was made evident in July, when the British under Major Edward Nicholls took possession of the defenses of Pensacola, and called upon the people of Kentucky and Louisiana to assist him to free them from an "imbecile government." The "Red Sticks" who flocked to Forts Barrancas and St. Michael were formed into military companies, and the pirates were asked to contribute ships and sailors to the British fleet.

Major Nicholls as a liberator

Piracy as a business flourished at the beginning of the century by reason of the letters of marque sold by the French government, and sold or given away by the semi-independent South American States. Among those who became famous, or infamous, in this unlawful trade, none were better known than the three brothers Lafitte, who ruled a pirate colony on Barataria Bay. Jean Lafitte, the leader, was deeply in disfavor with the authorities of Louisiana, and his brother was in jail under indictment for piracy, when the British overtures were made which promised to Lafitte the rank of captain, and protection of his person and property in return for his assistance. The communications from Major Nicholls were promptly turned over to the authorities of Louisiana; Pierre Lafitte escaped from jail, and Jean Lafitte and his men united later with Jackson's forces to repel the British attack upon New Orleans. Meanwhile, an American force under Daniel T. Patterson of the navy destroyed the settlement at Barataria, and

Both sides coquet with the pirates

piracy on the coast of the United States was at an end. 1814 Sept.

As soon as Jackson heard of Nicholls' threats against Mobile he placed Major William Lawrence in command of Fort Bowyer with a garrison of 150 men. In the afternoon of September 15, Captain W. H. Percy of the British navy attacked the fort from the bay, while a small number of marines and Indians attempted an advance from the rear. For an hour the two vessels within range bombarded the fort without effect. At the end of that time one of the ships grounded and was blown up by the crew; the remaining three soon retreated to Pensacola. Attack upon Fort Bowyer

Jackson was now deterred from advancing upon Pensacola only by lack of troops. Proclamations were issued to the people of Louisiana, condemning the British offers of alliance to the pirates and calling on them to rally to the standard of General Jackson; another to the free negroes of Louisiana urged them to enroll in companies for the defense of the country. But Jackson, guiding that defense, could not be successful so long as Great Britain could use Spanish ports and Spanish territory as if they were her own. Notwithstanding a prohibition of measures that might cause a war with Spain, Jackson waited until the Tennessee troops arrived, late in October, when, with 4000 men, he started for Pensacola, which he occupied November 7. The next morning the British left the town, going to the Appalachicola River, where they built a fort and began to collect the Indians. Jackson in Florida

1814 Dec.

Pensacola was soon returned to the Spanish authorities; and, leaving 1200 men at Mobile, Jackson sent 1000 against the British, 2000 to Baton Rouge; and, with one regiment, moved slowly in the direction of New Orleans. Reaching the city December 2, a long visit of inspection was undertaken, and it was not until December 11 that Jackson returned to find the people, as he thought, indifferent to their fate.

Pensacola returned

The British fleet left Negril Bay November 26, and, December 10, was seen by the gunboats, six in number, which constituted the whole defense of Lake Borgne. Transferring to the transports, the enemy entered the lake December 13, and the next day captured the six gunboats with their crews. At the same time the troops disembarked and in a few hours had established their camp on the Isle Aux Poix, where the Pearl River flows into Lake Borgne. Thirty miles away was a British fleet, the strongest that had been seen yet in American waters, which had brought nearly 20,000 soldiers and sailors for the invasion, with civil officials who were to assume their duties when the conquest was complete.

British in Lake Borgne

Up to this time Jackson had displayed but little more effective energy than his colleagues in the North. Now, however, all was changed. The Louisiana militia were called out at once; the levies which were already on foot were hurried to the city, and, December 21, Jackson had nearly 5000 men under his control. Two days later the British troops advanced by the Bayous Bienvenu and

Jackson's energy

Mazant to a point on the river about seven miles from New Orleans. As in the advance on Washington, they encountered no resistance; and on the way captured Major Villeré, his family, and militia company. 1814 Dec.

If there had been, up to this time, the same lack of watchful preparation for defense, the same inability to use resources actually at hand which marked the Washington campaign, the resemblance ceases from the moment that the British advance was announced to Jackson. Among the American officers, one of the most able was Major Latour of the engineers, who had been sent on the morning of December 23, to examine the approaches from Lake Borgne to New Orleans. On his way he was informed of the British movement, and, upon a closer reconnaissance, determined the number of the enemy to be about eighteen hundred. Meanwhile, Major Villeré had made his escape, and had hastened to New Orleans, arousing the people as he went. British approach New Orleans

Jackson heard the news about half-past one; in an hour the city was aroused, in two hours the American troops were moving down the river to intercept the enemy. The American forces were divided, General Coffee being sent with seven hundred men to attack the British flank, while Jackson with fourteen hundred made the attack in front. The signal for the battle was to be given by the *Carolina,* a schooner of fourteen guns which was to take a position opposite the British camp, situated then in a space about three hundred yards Jackson resolves to attack

1814 Dec. 8

wide between two levees and which was protected by them.

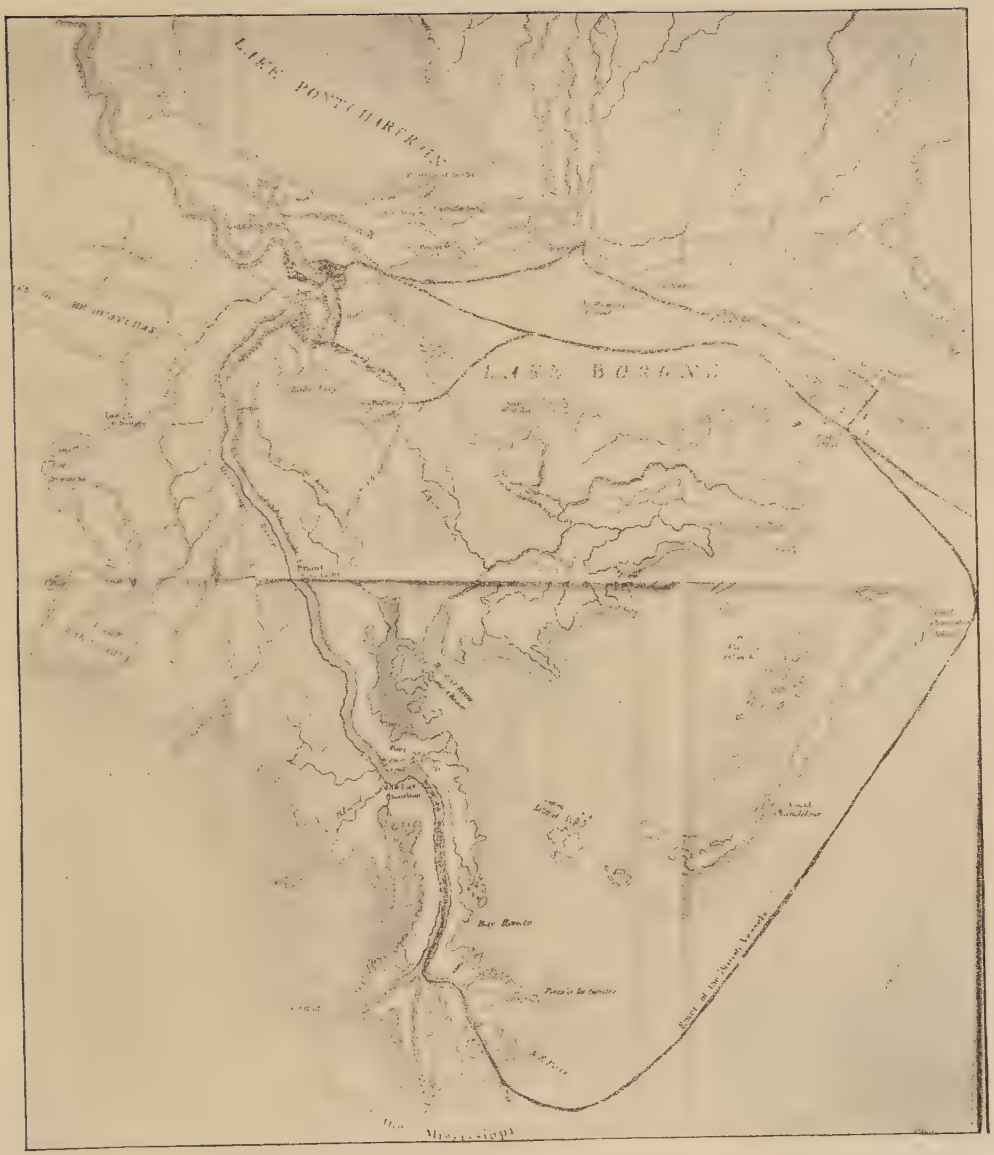
It was about seven o'clock when Commodore Patterson opened fire from the guns of the *Carolina*. Jackson at once moved down the road toward the British camp, which he reached at eight o'clock. The British troops were fatigued after a hard day's march and were compelled to fall back after Jackson's first onset. They rallied, however, and in time compelled Jackson to withdraw to save his two field pieces. By this time it was dark and a heavy fog was rising, which made it impossible to distinguish friend from foe.

The fight of December eighth

On the flank, Coffee had been more successful than Jackson. There the confusion among the enemy was greatest. Men fought without regular formation, in little squads of twenty or thirty, with any weapon that came first to their hands. The British were drawn back to the old levee, and about that time two additional regiments arrived, causing Coffee to give up the attack. The American forces were withdrawn all along the line by half-past ten. The next morning Jackson stationed his men two miles in front of the British camp, prepared to dispute their further advance; but they preferred to remain quiet, resting and awaiting reinforcements.

Jackson disputes British advance

All day and night of December 24, the troops advanced from Lake Borgne until, on Christmas Day, over 5000 were encamped on the Villeré plantation, when Sir Edward Pakenham arrived and assumed command. Heavy guns were dragged



BRITISH MOVEMENTS AROUND NEW ORLEANS.

across the swamps; the American schooner, the *Carolina,* was destroyed, and the *Louisiana* was forced to retire up the river. Pakenham then prepared to move upon the city, but was stopped by Jackson's incomplete defenses, and again the heavy artillery was brought from the ships to batter down the American works. 1815 Jan.

On January 1, thirty guns were in position with every advantage apparently on the side of the attacking forces. The number of guns was almost twice as great and the artillerists were supposed to be unequaled. The war had shown thus far, however, that the Americans were unrivaled in the use of artillery, and the battle of January 1 completed the evidence. About eight o'clock the British opened the engagement with a fire of rockets which exploded two caissons in the American ranks. At the same time the heavy guns began and continued their bombardment for two hours. At first the American fire was slow and somewhat inaccurate, but in a short time it became rapid and precise, knocking to pieces the sugar hogsheads which formed a part of the British defenses, dismounting the guns, and killing the artillerymen in the centre of the British works. Gradually the British fire slackened and at one o'clock their entrenchments were abandoned. The American loss was thirty-four killed or wounded; that of the enemy was about seventy-five. That night a number of the heavy guns were removed and the British retired to their camp on the Villeré plantation.

The artillery duel

British defeat

1815 Jan. Cautious as the approach had been before January 1, it became doubly so after the battle. General Pakenham determined to send a force to the other side of the river to capture the battery which Commander Patterson had entrenched there December 30, and to turn Jackson's flank. To do this it was necessary to dig a canal from the camp to the river, and by the time this was completed, the additional reinforcements had arrived. The British army now numbered between eight and nine thousand men, fresh from the battlefields of the Napoleonic wars, and commanded by the best officers in the English service. About five thousand men were chosen to make a direct attack upon Jackson's front; 1200 more under Major Thornton were to cross the river and turn Jackson's right flank.

Paken-ham's plans

To meet these troops, Jackson had about 4500 men so protected by entrenchments that there was little fear from a direct attack. The left flank was guarded by Claiborne and the Louisiana militia; but for the right, Jackson seems to have taken no thought, perhaps not anticipating an attack in that quarter. When Jackson learned, January 7, that the British were about to cross the river, he detached 400 Kentucky militia to reinforce General David Morgan's command, but of these not more than 200 reached their destination. The whole force on the west bank of the Mississippi was less than 800; the British detachment numbered 1200, and it seemed an easy task to outflank Jackson and perhaps force the evacuation of the city.

Jack-son's plans for defense

Pakenham had planned these simultaneous attacks about dawn on the morning of January 8, but Colonel Thornton's boats were swept down the river by the current and it was not until six o'clock that the troops were landed far below the point intended. The signal for the advance on the east bank was to be a single gun announcing Thornton's landing and his immediate advance upon the west bank. Pakenham waited impatiently, but not hearing from Thornton, sent forward his troops in a direct attack upon Jackson's lines. 1815 Jan. 8

The British army was composed of three divisions commanded by Major-Generals Gibbs, Keane, and Lambert. The divisions of Gibbs and Keane advanced in a column of about sixty men in front against General Jackson's entrenchments, which were near a swamp on his extreme right. All the steadiness and courage of veterans of Waterloo were shown by the troops as they approached the irregular but formidable earth-works which sheltered Jackson's motley army. As they advanced, three American batteries opened upon them; when they came within rifle range their ranks literally melted away under the rain of bullets from the ranks of the American riflemen. A few of the British soldiers reached the ditch in front of the breastworks; General Gibbs was killed not more than twenty feet from the fortifications, but no discipline could exist under such a fire. Pakenham rode to the head of the line to rally Gibbs' men, and when three hundred yards from the American works was instantly killed. The attack and defeat

1815 Jan. 8

Meanwhile, the troops under Major-General Keane advanced along the river and stormed some unfinished works which were in advance of the American main line. As soon as the column came within close range, the riflemen opened fire; soon afterward a severe cross fire from the right broke the column, drove it in confusion to the rear, and mortally wounded General Keane. Lambert was now in command, and, placing the reserve where it might help to check and rally the men of the broken lines, he awaited the final result of the battle.

The battle on the west bank

On the west bank of the river the British won their sole victory. Colonel Thornton found no difficulty in routing Morgan's exhausted and poorly armed riflemen; Patterson's heavy battery was abandoned, and Thornton pushed on to a point a mile above Jackson's position on the opposite shore. Reinforcements were ordered to cross the river, but before the movement could be completed, Thornton's troops were withdrawn and Jackson's victory was complete. The pirates of Barataria, the free negroes and creoles of Louisiana, the militia of Kentucky and Tennessee, and the ever-lucky Jackson had inflicted the severest loss of the war upon the enemy, a loss not far from 2500, at a cost of seventy-five lives.

Lambert fell back at once to his camp, and, unmolested by Jackson, remained there until December 27, when the troops embarked off Chandeleur Island. Early in February, the army and fleet appeared off Mobile. Fort Bowyer contained a large garrison of regular troops under Colonel

Lawrence; and while it could be easily defended from the land side, it was at the mercy of the British fleet. Thus outnumbered, Lawrence surrendered February 11, but the victory was a barren one, for two days later the peace which had been agreed upon between the two countries was announced. 1815 Feb. 11

The peace commission met in Ghent early in the month of August. The British government had no doubt but that the superior forces just then beginning their campaigns in America would gain substantial victories which might be made the basis of extravagant demands. Gallatin believed that the best obtainable terms would be upon the basis of the situation before the war with no concessions upon the disputed subjects of impressment and blockade. The tone of the British press was high, and cession of territory with complete submission were their chief demands. In addition, the Canadian government hoped to secure the south bank of the St. Lawrence, the southern shores of the Great Lakes, and a reservation of territory for their former allies, the Indians. Work of the peace commission

From August 8 to 25, negotiations were directed to receiving and answering the British notes; then for two months nothing definite was done. The British demands were not abated, and it seemed that the negotiations must close. About October 20, news began to arrive of the British reverses at Plattsburg, Fort Erie, and Baltimore. The American commissioners flatly rejected the British terms, but the English Cabinet became more and

1814 Nov.-Dec.

more averse to continuing the war and were ready to admit that concessions were possible. Claims to territory, the Indian boundary, both were yielded and the American commissioners were asked to prepare the draft of a treaty.

When this was attempted the first serious difference appeared in the American Commission. The treaty of 1783 had granted fishing rights off British Canadian coasts to the United States; it had also given to England the navigation of the Mississippi. The first of these, Adams was most anxious to retain; the second, Clay was equally desirous to eliminate from any new treaty. The East cared little for the navigation of the Mississippi, the West had no interest in the fisheries. The British commissioners also were inclined to insist upon the clause permitting navigation, but, chiefly through the influence of Gallatin, an agreement was reached by which final settlement was postponed, though the treaty itself was silent upon both subjects. These negotiations had taken up the greater part of December, so that it was not until Christmas eve that the commissioners met to sign the engrossed copy of the agreement.

Eastern and Western interests clash

Neither party to the treaty succeeded in gaining the objects for which the war had been waged. Great Britain did not establish the right of impressment or her theory of blockade, but the day when either might be of use had passed. Her claim to the navigation of the Mississippi was placed in doubt, nor had she established any rights to the Indian trade. On the other hand, the United

Terms of the treaty

CHARLES STEWART.

JAMES BIDDLE.

States admitted that her claims to fishing rights were doubtful as well as the ownership of certain islands in Passamaquoddy Bay. All territorial questions were to be determined by three commissions; one to decide the ownership of these islands, one to fix the boundary from the St. Croix along the St. Lawrence to the forty-fifth parallel, the third to continue the boundary to the most northern point of the Lake of the Woods.

1814–15

Three commissioners

The battle of New Orleans was not the only contest that occurred after peace was made between the two countries. There were four ships at sea, the *President,* the *Hornet,* the *Peacock,* and the *Constitution.* Captain Biddle of the *Hornet* captured the British sloop of war *Penguin,* but narrowly escaped disaster at the hands of a British seventy-four, the *Cornwallis.* The *Constitution,* Captain Charles Stewart in command, made prizes of two British vessels, the *Cyane* and *Levant,* and Decatur, in the *President,* suffered a defeat off Sandy Hook by the *Endymion* supported by three other vessels of the British navy.

Naval battles after peace

On both sides the treaty of peace was gladly received. After Plattsburg and New Orleans, the British government could have continued the war only with the greatest difficulty. Certain classes grumbled at the loss of English prestige, but were forced to content themselves with fruitless speculation as to the reasons for defeat. In America the rejoicing was widespread save in New England, still racked by the torturing thoughts of Madison's perfidy. Perhaps of still more serious

1814

import was the fact that peace had come just in time to render harmless their long-delayed official protest against Republicanism and all its works.

When the British fleets and armies were released from European service and were reported to be on their way to American coasts, many of the States began to prepare measures for their own defense. Although they had "fought backwardly" in the war, or had refused to fight at all, they joined in the general outcry against the government for its failure to protect commercial interests. States which had carried on a brisk commerce with the enemy by licenses or smuggling over the border, were the loudest in their complaints of the weakness of the administration. Pennsylvania, Virginia, New York, Maryland, South Carolina, and Connecticut all made preparations for State troops to be used for State purposes. In Massachusetts a committee appointed to report upon the condition of the State, condemned the conduct of the war and proposed means of defense. When the British occupied eastern Maine, Governor Strong called the members of the Legislature together in special session. In the upper House the war was unsparingly condemned; it was said that the Constitution had failed to secure to New England any of the benefits expected from it, and, to remedy the defect, an invitation was extended to the States to send deputies to a convention to be held December 15, at Hartford.

New England's discontent finds expression

About this time, also, came the first news of the conditions under which Great Britain would make

peace; conditions considered by old Federalists like Pickering to be singularly fair, even magnanimous, though the privileges of the fisheries were cut off and half of Maine was demanded. Nor was Pickering alone in his opinion, for a majority of the people of New England favored the Hartford Convention. When Rhode Island and Connecticut elected delegates, the Boston *Centinel* announced that "the second and third pillars of the New Federal Edifice" had been erected. The extreme Federalists would stop the war, make peace with Great Britain for New England alone to fill again the deserted harbors and empty treasuries. 1814 Sentiment in New England

Outside of New England the call for the Hartford Convention created in some places derision and contempt, but elsewhere, the apprehension that the seriousness of the incident demanded. A government as weak as that of Madison could by no means keep in the Union by force the New England States; while New England, had New Orleans been occupied, and had Great Britain persisted in the war, would probably have sought a separate peace which would have meant disunion. However, Great Britain was tired of the war; was discouraged by reverses which no theories could explain; was completely overmatched in the Peace Commission. Thus as the resistance of New England increased, Great Britain abated her demands and peace was made before the real intent or probable result of New England's policy could be revealed. Twenty-six delegates met at Hartford from December 15 to January 5; twenty-three were from And elsewhere

1814–15

Massachusetts, Connecticut, and Rhode Island; two were elected by county conventions from New Hampshire and one from Vermont. For the most part, they were elderly men, extremely conservative, and inclined of themselves to repress rather than foster a movement of separation. George Cabot was elected president, partly to keep the "hot-heads out of mischief," though John Adams insisted that his ambition was to become President of New England. Major Jessup, who had won distinction in the northern campaign and was then in Hartford on recruiting duty, thought that the convention would produce nothing beyond strong protests against the conduct of the war.

The convention meets

The convention sat behind closed doors. Neither the journal nor report gave any clue to the speeches made, or the general sentiments of the meeting. January 5, the body adjourned to meet at the call of the president, after making public its report and providing for a committee to visit Washington.

And reports

The report declared that it was the right and duty of a State to exert its authority to protect its citizens from unconstitutional acts of the general government. The State should prevent conscriptions, the unlimited control of the militia by the President, and the enlistment of minors. Emergencies might occur which the courts could not control, in which the State must be its own judge and execute its own decision. Acts contrary to the Constitution were void, and while the delegates did not claim the right to nullify, they did assert that

the execution of such laws should be prevented. The position taken at Hartford was practically that of the Virginia Legislature in 1798, nor is it difficult to imagine situations in which these principles might be of use. When the commissioners reached Washington they found the government rejoicing over the peace treaty and their journey fruitless. 1815

Scarcely had the war with Great Britain closed when the United States began hostilities against the Barbary States which had preyed upon American commerce while the government was engaged in the greater contest. Two fleets under Decatur and Bainbridge were sent to the Mediterranean. Decatur captured two of the Algerine vessels and dictated, upon the deck of his flagship, a peace which released prisoners, gave the United States indemnity for previous losses, and abolished tribute for the future. Tunis and Tripoli were visited, the payment of heavy indemnity was secured, and peace made upon the basis of immunity from tribute. The second squadron remained to enforce the provisions of the treaty, which Algiers attempted to break. It was not long, however, until the Moorish States were thoroughly cowed, and by the autumn of 1816 all danger from them was at an end.

Decatur and Bainbridge force a peace

When the members of the thirteenth Congress met for the third session, September 19, 1814, but one public building was standing. The Patent Office became the meeting-place of Congress; the departments used such shelter as could be found in

Destruction in Washington

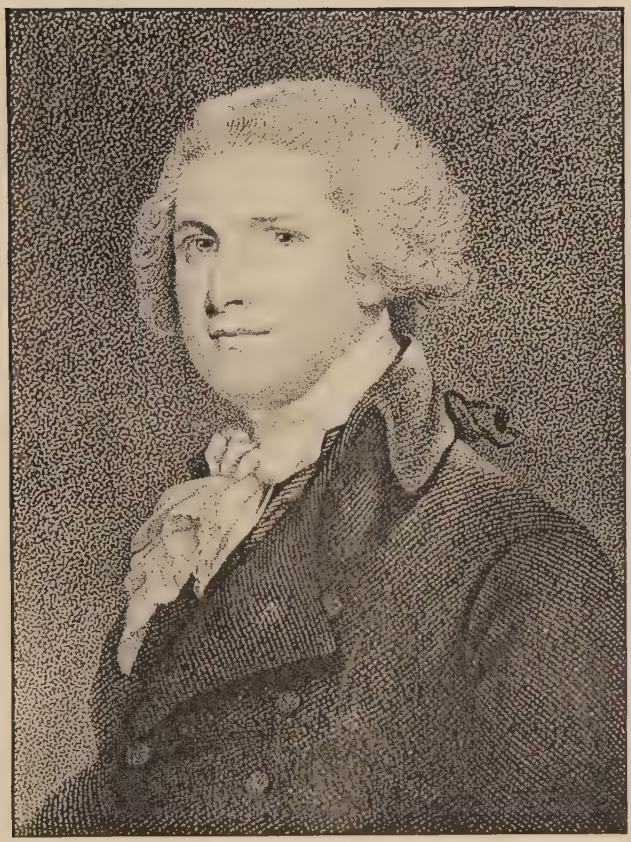
1815

private buildings. Madison's message was more forcible than usual, urging upon Congress various vigorous measures to meet the changed policy of Great Britain.

National finances were in the most deplorable condition. Money could not be borrowed by the government except in small sums at high rates of interest and large discounts. Expenses were enormous, chiefly because of the large numbers of inactive militia who nevertheless drew government pay. There was very little specie in the country, the export trade was ruined, local banks had made large issues of paper, and everywhere the banks had suspended payments. A new Secretary of the Treasury, A. J. Dallas, and the Committee of Ways and Means, proposed measures of relief; Dallas' plan including a national bank with a capital of fifty millions. Other and similar plans were proposed, but, after two months of wrangling, all failed to become laws. For the year 1814, there were debts to the amount of nineteen millions unpaid, and the new year promised to end with a large deficit. Thus the treasury was emptied, the income reduced, the army disorganized, the British troops held American soil, their navy blocked the harbors, and smothered revolt in New England awaited only the fall of New Orleans to burst into flame. Such was the situation when the news of Jackson's victory and the treaty of Ghent came to the rescue of a sorely tried administration.

Serious financial situation

The fourteenth Congress met in a temporary building erected on Capitol Hill. There had been



ALEXANDER J. DALLAS.

for a time a strong sentiment in favor of removing the capital, but it was now forgotten in the many new projects which were forced upon the attention of Congress. Of these the more important were the bank, the tariff, and the question of internal improvements. 1815-16

With a national debt of nearly one hundred and twenty millions, with a fluctuating paper currency; above all, with the general poverty caused by the war and the ruinous commercial policy which preceded it, the United States had reached the financial ebb. In April, 1816, Dallas submitted a plan for a national bank which should have a capital of $35,000,000, divided into shares of $100 each, which might be paid for in quarterly installments, the bank beginning business as soon as the first installment was paid. Branches might be established in any State in which 2000 shares of stock were held. Five of the twenty-four directors were to be appointed by the government; the bank was to be the depository of public money subject to the control of the Secretary of the Treasury; to transfer the public money from place to place without charge, and to pay $500,000 a year for three years in return for the charter. There were some objections to the institution, but, supported strongly by Clay and Calhoun, an overwhelming majority in Congress voted its establishment. The second bank chartered

Direct taxes have always been justly unpopular in the United States; it was the policy especially of the Republicans to minimize the internal taxes. In 1816, these two policies, with the condition of

1816

manufactures which had sprung up during the war combined to impose a tariff for protection. Such a tariff had been urged strongly by the President's message, and been demanded by those having capital invested in industries which would be ruined by foreign competition. Under the proposed bill, imports were arranged in three classes: First, those which the United States could supply; second, those which could be supplied in part; third, those produced but little in the United States. A tariff purely protective was fixed upon the first class; the consumer and producer were about equally considered in determining the tariff upon the second class of goods, while that upon the third class was intended for revenue only. At first New England viewed these duties as a continuation of commercial restrictions; theorists like Randolph objected that the Middle and Eastern States were built up at the expense of the South; but again the Southern leaders, standing on a broad national platform, supported and passed the bill, for the first time establishing protection as a national policy.

A protective tariff

One of the cherished plans of Thomas Jefferson had been a system of internal improvements carried on by the general government, which might in this way return to the various States the surplus that remained after national expenses had been met. Madison had referred the subject to Congress at the beginning of both sessions, and an appropriation had been made to finish the incompleted part of the Cumberland Road.

Internal improvements

MAJOR-GENERAL BROWN.

In 1817, Calhoun succeeded in getting a bill through both Houses authorizing a fund for such improvements to be formed from a bonus and dividends paid by the bank. Madison turned again to his old theories of strict construction and vetoed the bill upon constitutional grounds, thus killing the only real constructive measure that his party had produced.

1816–17

Madison's veto

The country passed easily from war to peace except in Louisiana, where Jackson insisted on continuing a military government long after a necessity for it had passed away. He threatened to try by court-martial, on a charge of incitement to mutiny, a member of the State Legislature who had dared to criticise his course. He drove officials from the city and refused to recognize the authority of the United States courts until cited for contempt and fined a thousand dollars. Jackson paid the fine without abating any of his feeling; his enthusiastic admirers, by popular subscription, raised for him a sum equal to his fine.

Jackson's troubles

For military purposes the country was divided into two departments, commanded by Brown and Jackson. In the northern division, Ripley and Macomb were brigadiers; in the southern, Scott and Gaines. The army itself was reduced to 10,000 men, expenses of the navy were cut down, and the vessels on the Lakes were dismantled. To this economy there was much strong objection on the part of those who realized the havoc recently wrought by such a policy. The fifteenth Congress made a substantial appropriation for the navy.

Economy in expenditures

1816-17

Of the other important measures of the fourteenth Congress, one was a Navigation Act regulating the treatment of foreign shipping on the principle of reciprocity; a Neutrality Act authorizing the seizure of ships intended for use in war against a friendly State; and finally the most unpopular and speedily repealed Compensation Act, which provided that the pay of Congressmen should be $1500 a year instead of the previous six dollars a day and mileage.

Presidential candidates

The two men likely to secure the Presidency were William H. Crawford and James Monroe. At that time a party caucus chose the candidate, and it seemed that Monroe would fail to secure the prize. Monroe's long experience and substantial though not brilliant services gave him some claim upon the office; the pliancy of his character and his disposition to follow the path of least resistance recommended him to the politicians. There were, in truth, no parties. The Federalists had fallen victims to their own errors, the Republicans had departed from their old principles. For a time, at least, parties would be nothing more than personal followings. The Federalist candidate was Rufus King, with whom four men were associated as competitors for the second place. When the electoral vote was counted it was found that 183 had been given for Monroe and Tompkins to 34 for the Federalist candidates. March 4, 1817, Madison retired with somewhat unusual good fortune, since the last two years had been the most prosperous and happy of his administration.